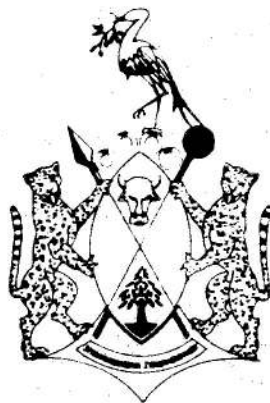
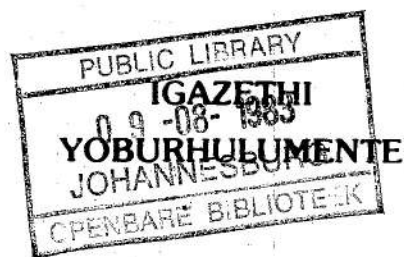


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<p>ISEBE LOKUSETYENZISWA KWAMANDLA OLUNTU</p> <p>ISAZISO SIKARHULUMENTE SE-45</p> <p>NGOKWENJENJE KUYAZISWA UKUBA UMONGAMELI UWUVUMILE UMTHETHO OLANDELAYO NOBHENGE- ZWAYO APHA KUSAZISWA ULUNTU NGOKUBANZI:-</p> <p>UMTHETHO WEINSHORENSI YOKUNGA- QESHA WOVE-1983</p> <p>UMTHETHO NOMBOLO 11 WOVE-1983</p>			<p>DEPARTMENT OF MANPOWER UTILISATION</p> <p>GOVERNMENT NOTICE NO. 45</p> <p>IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY PUBLISHED FOR GENERAL INFORMATION:-</p> <p><u>UNEMPLOYMENT INSURANCE ACT,</u> 1983</p> <p>ACT NO. 11 OF 1983</p>		

UMTHETHO WEINSHORENSI YOKUNGAQESHA WOVE-1983

UMTHETHO

Ukulungiselela ukusekwa kweNgxowa-mali yeshorensi yokungaqesha nokuhlawulwa kwamalungelo kubantu abathile nezixa-mali ezithile kubantu abaxhomekeke kubantu abangasekhoyo, nokubonelela iimeko ezizalwa koko.

(Okubhalwe ngesiNgesi kusayinwe nguMongameli. Kwavunywa ngomhla wama 29 Juni 1983).

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ISAPLUKO 1
INKCAZO YAMAGAMA

Ingcaciso-magama.

1. Kulo Mthetho, ngaphandle kokuba ingxam yalatha nto yimbi –
"Ichule leenkukacha" lithetha ilungu eliphezulu leziko, iqela lamagcisa, umbutho okanye igqiza lama-chule eenkukacha elivunye nguMphathiswa.
"ULimo" luthetho nayiphina ingqesho efameni enxulumene nekufanisha, kubandakanywa ezolimo-zitiya namahlathi, ingasiwangaso into yokuba loo ngqesho ithi inyanzelise umqeshi ukuba akhe ayishiye ifama leyo okwethutyana ekuqhubekeni kwengqesho leyo yakhe.

"Amalungelo" athetha amalungelo ekubhekiselelwe kuwo kumacandelo ama-28, 29, nelama-30.
"Ibhodi" ithetha ibhodi yeinshorensi yokungaqeshwa esekwe phantsi kweCandelo 12;
"Ushishino" luthetha naliphina ishishini, into eyenziwayo, urhwebo okanye umsebenzi, okanye nayiphina intshukumo ekuthi kuyo kuqeshwe nawuphi na umrhumi.
"Iveki yeKhalenda" ithetha ithuba elibalwe ukususela ezinzulwini zobusuku phakathi kweCawa noMvulo ukuya ezinzulwini zobusuku phakathi kweCawa noMvulo olandelayo.
"ICiskei" ithetha iRiphabliki yeCiskei.
"Igosa lobizo-mbuyekezo" lithetha umntu onyulwe ukuba abe ngumntu onjalo phantsi kwecandelo le-19;
"Umrhumo" uthetha isixa-mali esihlawulwa ngumqeshi, okanye umrhumi, kwiimali zikaRhulumente ngokwemigaqo yecandelo 22 yaye "ukurhuma" kunentsingiselo elungeleleneyo.
"Umrhumi" uthetha umrhumi ngokucaciswe licandelo 2 nokuba uqeshwe ngumqeshi okanye ubeqeshwe njalo ngaphambili ngokucaciswa yingxam;
"Umtshato wesiNtu" uthetha ulwalamano lomtshato olusekwe ngokomthetho namasiko esiNtu apho kungekho iqabane kumtshato onjalo elithabatha inxaxheba komye umtshato osaqhubayo.
"UMlawuli-Jikelele" uthetha uMlawuli-Jikelele weSebe loMphathiswa ochaphazelekayo yaye ngokunxulumene nokusebenzisa, ukuqhutywa, okanye ukuphunyezwa kwamagunya, imisebenzi okanye iimfanelo ezabelwe igosa leSebe laloo Mphathiswa nguMphathiswa lowo ngokwemigaqo yecandelo 40 (2) liyabandakanywa igosa elinjalo;
"umvuzo" uthetha umvuzo njengoko kuchaziwe kwicandelo 3;
"umqeshi" uthetha umqeshi njengoko kuchaziwe kwicandelo 4;
"Unyaka-mali" uthetha ithuba elisuka ngomhla wokuqala ku-Epreli kuye nawuphina unyaka ukuya kumhla wamashumi amathathu ananye kuMatshi wonyaka olandelayo yomibini le mihla ibandakanywa
"umhla oqingqiweyo" uthetha umhla wokuqalisa kwalo Mthetho;
"ingxowa-mali" ithetha ingxowa-mali yeinshorensi yokungaqeshwa ekubhekiselelwe kuyo kwicandelo 6;
"iGazethi" ithetha iGazethi kaRhulumente weCiskei;
"umhloli" uthetha umhloli onyulwe phantsi kwecandelo 43;
"UMphathiswa" uthetha uMphathiswa woMbuso othe wasingathiswa ulawulo lwalo Mthetho;
"igosa" lithetha umntu kwisikhundla esimiselweyo senkonzo yobuRhulumente;
"ukumiselwa" kuthethwa ukumiselwa ngokwemigaqo.
"inkonzo yobuRhulumente" ithetha inkonzo yobuRhulumente ngokwamalungiselelo oMthetho we-Nkonzo yobuRhulumente, 1981 (UMthetho 2 wowe-1981);
"umgaqo" uthetha umgaqo owenziweyo nosebenzayo okanye ukuthatyathwa ngokungathi wenziwe okanye uyasebenza phantsi kwalo Mthetho;
"ushishino lwexesha elithile" luthetha ushishino olubhengezwe njengokuba lushishino lwexesha elithile ngokwemigaqo yecandelo 5 (1);
"umsebenzi wexesha elithile" uthetha ngokulawulwa ngamalungiselelo ecandelo 5 (2) no (3) umntu ofumana umvuzo kushishino lwexesha elithile ongelilo ilungu lestafu sokulawula, soonobhala, samagcisa, seofisi, sentengiso okanye sogcino-mgangathweni kolo shishino.
"Inkundla ePhakamileyo" ithetha inkundla ePhakamileyo yeCiskei;
"lo Mthetho" ubandakanya nayiphina imigaqo;
"ingxwaba-ngxwaba kwezorhwebo" ithetha nayiphina ingxwaba-ngxwaba phakathi kwabaqeshi nabantu abaqeshwe ngabo okanye kwabaqeshi nabanye abaqeshi enxulumene nokuqeshwa nokungaqeshwa okanye iimeko aqeshwe phantsi kwazo nawuphina umntu nokuba uqeshwe okanye akaqeshwanga kusini na nguloo mqeshi kuxatyanwa naye;
"Uvimba" uthetha uMphathiswa wezeMali noPhuhliso loqoqosho okanye naliphina igosa kwiSebe lakhe elisebenza phantsi kwagunya lakhe;
"Iveki" ithetha naliphina ithuba leentsuku ezisixhenxe ezilandelelanayo.

Ingcaciso-magama ka "umrhumi".

2. (1) Ngokulawulwa ngamalungiselelo amacandelwana (2), (3), (4) nelesi (5) nangaphandle kokuba ingxam yalatha ngandlela yimbi, "Umrhumi" kulo Mthetho uthetha nawuphina umntu othe wangena okanye wasebenza phantsi kwemvumelwano yenkonzo okanye yobuprentisi okanye ukufunda, nomqeshi, nokuba imvumelwano leyo ixelwe ngokucacileyo okanye ikwekwiwe, ithethwe ngomlomo, okanye ibhalwe phantsi, nokuba umvuzo wakhe ubalwe ngokwexesha okanye ngokomsebenzi owenziweyo yaye ubandakanya nawuphina umntu othi ngexeshana esenzela uqeshi wakhe umsebenzi endaweni engaphandle kweCiskei, naye nawuphina umntu ohlala eCiskei ngokwesiqhelo othe wangena kwimvumelwano yenkonzo ngaphandle kweCiskei kodwa akabandakanyi umntu othi ngokuphathelele nakuyiphina iveki athi angabikho ngayo emsebenzini afanelwe kukufumana ngaphantsi komvuzo wosuku olunye.

- (2) Aba bantu balandelayo ngokweenjongo zalo Mthetho abayi kuthatyathwa njengokuba bangabarhumi -
 - (a) Abantu abangena okanye abangene eCiskei ngeenjongo zokuqhuba ikontraka yomsebenzi, ubuprentisi okanye ukufunda ngaphakathi eCiskei ukuba ekugqityweni kwayo umqeshi kufuneka ngokusemthethweni okanye ngokwekontraka yomsebenzi, ubuprentisi okanye ukufunda ngokwemeko leyo, okanye ngayo nayiphina enye imvumelwano okanye ingqinisekiso embuyisele kwilizwe lakhe lokuzalwa umntu lowo, okanye loo mntu kuthi kufuneka ukuba ayishiye iCiskei (kodwa ngokulawulwa kwimeko nganye yiyo nayiphina imvumelwano, njengoko kujongwe njalo kwicandelwana (5)); okanye
 - (b) Abantu abamilinganiso yabo yomvuzo ibalwe ngokwendlela ecwangciswa kwicandelo 39 igqitha amawaka alishumi elinesihlanu namakhulu amathandathu eerandi ngonyaka, okanye eso sixa-mali esinokuthi siqingqwe nguMongameli amaxa ngamaxa ngokucetyiswa yibhodi, ngokubhengezwa kwiGazethi siqale ukusebenza ngomhla oxelwe kwisibhengezo eso; okanye
 - (c) abantu abaqeshelwe isingxungxo bengaqeshelwe zinjongo zashishino lomqeshi; okanye
 - (d) abantu abamvuzo wabo isisabelo kwingeniso kuphela okanye ubalwe kuphela ngokwekhomishini; okanye
 - (e) abantu ekuthe kwanikezelwa kubo izinto okanye impahla ukuba zenziwe, zigqitywe okanye zilungiselelwe ukuthengiswa okanye kusetyenzwe ngazo ngenye indlela kwindawo engekho phantsi kolawulo lwaloo mqeshi; okanye
 - (f) abantu abaqeshwe ngumqeshi ixesha elingaphantsi kwemini yokusebenza ezeleyo okanye elingaphantsi kweeyure ezisibhozo nokuba lelaphi na elingaphantsi kwelinye kuyo nayiphina iveki yekhalenda enye; okanye
 - (g) abancedisi basemakhaya abaqeshwe kumakhaya aprayiveti; okanye
 - (h) umyeni okanye inkosikazi yomqeshi xa isebenzela umqeshi lowo; okanye
 - (i) abantu abaqeshwe kwezolimo ngaphandle kwabantu abaqeshwe ngokupheleleyo kwezamahlathi; okanye
 - (j) abantu abangamagosa njengoko kuchaziwe kwicandelo 1 loMthetho weNkonzo yobuRhulumente, wowe-1981 (UMthetho 2 wowe-1981); okanye
 - (k) abantu eCiskei abathi babe ngokwecandelo 5 loMthetho weNkonzo yezoo Loliwe namaZibuko wowe-1960 (UMthetho 22 wowe-1960) weRiphabliki yoMzantsi Afrika, abaqeshwe isigxina kwiNkonzo yezoThutho yoMzantsi Afrika; okanye
 - (l) amagosa eNdibano yeSizwe, ngaphandle kwamagosa achazwe kwicandelo 1 okanye abasebenzi bexeshana.
- (3) Apho umntu aqeshwe ngabaqeshi ababini ngangaphezulu, lowo mntu uya kuthi ngokweenjongo zalo Mthetho athatyathwe ngokungathi ungumrhumi kuphela ngokuphathelele kuloo ngqesho ithi ekuboneni koMlawuli-Jikelele ibe yiyona ibe yingqesho yesiqhelo yakhe, yaye uMlawuli-Jikelele angathi ekwenzeni isigqibo phantsi kweli candelo abeke phantsi komgqaliselo, ngaphezulu kwazo naziphina iimeko, isixa-mali somvuzo ofunyanwa kubaqeshi abo bobabini.
- (4) (a) UMphathiswa angathi, ngokulawulwa ngamalungiselelo emihlathi (b) no (c) emva kokugqugula neBhodi ngesaziso kwiGazethi abhengeze ukuba ukususela kumhla oxelwe kwisaziso, naluphina udidi olukhankanyiweyo lwabantu lungathatyathwa ngokungathi lungabarhumi ngokweenjongo zalo Mthetho.
 - (b) Phambi kokupapasha isaziso phantsi komhlathi (a) uMphathiswa uya kwenza ukuba kupapashwe kwiGazethi nakwiphephandaba okanye kumaphephandaba ajikeleza kummandla okanye kwimimandla echaphazelekayo isaziso esilungiselelayo esaneka intsingiselo yesaziso eso aceba ukusipapasha phantsi komhlathi (a) nesibiza bonke abantu abanomdla abanenkcaso ngakwisaziso eso senziweyo okanye kumalungiselelo acetywayo aso, ukuba bangenise iinkcaso ezo zabo ezibhaliweyo kuMlawuli-Jikelele kwithuba elobe lixeliwe, nelingayi kuba ngaphantsi kweentsuku ezingamashumi amathathu ukususela kumhla wopapasho lweso sazis silungiselelayo.
 - (c) Akukho sazis siya kupapashwa phantsi komhlathi (a) esithi sahluka ngayo nayiphina indlela ephathekayo kwisaziso esilungiselelayo esithe sapapashwa phantsi komhlathi (b).
 - (d) UMphathiswa angathi kananjalo ahlomele okanye arhoxise nasiphina isaziso esipapashwe phantsi komhlathi (a).
- (5) Nangani amalungiselelo eecandelwana (2) (a) ekho yaye ngaphandle kokuba uMphathiswa angathi ngokubhekiselele kuso nasiphina isilungiselelo salo Mthetho alungiselele ngenye indlela abantu ekubhekiselelwe kubo kwelo candelwana abathi bangene eCiskei besuka nakweliphina elinye ilizwe ekuthe ngokumayela nabo abe kanti uRhulumente weCiskei noRhulumente welo lizwe bathi bavumelana bathathwe njengabarhumi bangathi abantu abanjalo ngokweenjongo zalo Mthetho bathatyathwe ngokungathi bangabarhumi.

*Ingcaciso-magama
ka "umvuzo".*

3. (1) Kulo Mthetho, ngaphandle kokuba ingxam yalatha ngandlela yimbi umvuzo, uthetha nayiphina intlawulo ngemali okanye ngempahla okanye ngazo zombini ezi ndlela ngemali nangempahla ethi yenzelwe okanye etyalwa nawuphina umntu, ezalwa siso nasiphina isizathu sokuqeshwa kwakhe loo mntu, kodwa ungabandakanyi:--
- (a) ixabiso lengqeqesho elifanele kukuzuzwa ngumntu phantsi kwemvumelwano yobuprentisi okanye ukufunda;
 - (b) nasiphina isixa-mali esizuzwa njenge khomishini, okanye isabelo kwingeniso;
 - (c) nawuphina uchatha wentlawulo osekelezwe phezu kobungakanani okanye imveliso okanye umsebenzi owenziweyo ngaphandle kwesixa-mali esiqinisekiswa ngomthetho okanye ngandlela yimbi ukuba siyeyona ntlawulo iphantsi.
 - (d) nayiphina intlawulo ngoova; okanye
 - (e) nayiphina intlawulo eyodwa ibhonasi eyodwa okanye isibonelelo esisodwa, ngaphandle kokuba uMphathiswa emva kokugqugula nebhodi, nokuba kungokubanzi ngokuphathelele kuye nawuphina umntu ongumrhumu okanye udidi lomrhumu uthi amisele ngandlela yimbi.
- (2) UMphathiswa angathi, emva kokugqugula nebhodi arhoxise okanye ahlomele naluphina uqingqo-ntlawulo olwenziwe ngokwemigaqo yecandelwana (1) (e).

*Ingcaciso-magama
ka "umqeshi".*

4. (1) Ngokulawulwa ngamalungiselelo eli candelo nangaphandle kokuba ingxam yalatha ngandlela yimbi, "umqeshi" kulo Mthetho:--
- (a) uthetha umntu oqesha umrhumu;
 - (b) ibandakanya uMbuso naye nawuphina umntu olawula ushishino lomqeshi; yaye
 - (c) uhambisa abandakanye umqeshi wakhe nawuphina umntu othe ngesizathu semvumelwano ekujongwe kuyo kwicandelo 2 (5) athatyathwe ngokuthi ungumrhumu.
- (2) Ukuba inkonzo yomrhumu kuthi kubolekiswa okanye kuqeshiswa ngayo okwexeshana ngumqeshi womrhumu lowo komnye umqeshi, umqeshi onjalo, kuya kuthatyathwa ngokungathi usaqhuba ukuba ngumqeshi waloo mrhumu nangexa asebenzela omnye umntu lowo.
- (3) Ngokuphathelele kumrhumu oqeshwe ngumbutho okanye iqumrhu labantu, amalungu ekomiti ephetheyo, unobhala okanye naliphina igosa elijongene nemisebenzi yequmrhu okanye umbutho lowo liya kuthatyathwa ngokungathi lingumqeshi.
- (4) Ngokwenjongo zokunika okanye zokufumana iingxelo, izaziso okanye amanye amaxwebhu phantsi kwalo Mthetho, igama "umqeshi" liya kubandakanya imanejala, unobhala, umcwangcisi zimali, unondyebo, umgciniswa, umphathi welifa, umqoshelisi zimali nempahla, okanye nayo nayiphina iarhente yomqeshi ethe yagunyaziswa.

*Inqesho yexesha
elithile.*

5. (1) (a) Ukuba ngokokubona koMphathiswa umsebenzi uyafumaneka kwinani eliphathekayo labantu abaqeshwe kulo naliphina ushishino okanye udidi okanye uhlobo loshishino kuwo nawuphina ummandla, ithuba elingekho ngaphezulu kweenyanga ezisibhozo kuwo nawuphina unyaka omnye, ngenxa yenguquguqu kumaxesha okukhutshwa kweemveliso ezikrwada okanye ezinye iimveliso zendalo ezifunwa lolo shishino okanye udidi okanye uhlobo loshishino, angathi emva kokubonisana nebhodi, ngesaziso kwiGazethi; abhengeze ukuba ushishino olunjalo lushishino lwexesha elithile.
- (b) UMphathiswa angathi ngokukwanjalo ahlomele okanye arhoxise nasiphina isibhengezo esenziwe phantsi komhlathi (a).
- (2) Nawuphina umntu othe waba ngumsebenzi wexesha elithile ithuba elingangeenyanga ezisibhozo elingaphukanga engqeshweni yomntu omnye, uyayeka ukuba ngumsebenzi wexesha elithile ukuba uthi ahlale kuloo nqesho yaloo mntu nasemva komhla wokuphela kweloo xesha kuthethwe ngalo.
- (3) Ukuba umrhumu nawuphina ebeqeshwe nguye nawuphina umntu kulo naluphina ushishino kusuku kanye oluphambi komhla ekuthi ngawo elo shishino lube lushishino lwexesha elithile, umrhumu onjalo uya kuthi, elixa akwingqesho yaloo mntu angabi ngumsebenzi wexesha elithile ngenxa nje yesizathu sokuqeshwa kwakhe kushishino olunjalo.

ISIAHLUKO 2

INGXOWA-MALI YEINSHORENSI YOKUNGAQESHA

*Ukusekwa kwengxowa-
mali yeInshorensi
yokungaqesha.*

6. (1) Ukwenjenje kusekwa ukususela kumhla otyunjiweyo ingxowa-mali eyobizwa ngokuba yingxowa-mali yeInshorensi yokungaqesha eyothi yenziwe:--
- (a) Yimirhumo yabaqeshi nabarhumu ngokwemigaqo yecandelo 22 (1);

- (b) nayiphina imirhumo yoMphathiswa evela kwingxowa-mali yeNgeniso yeCiskei ngokwemigaqo yecandelo 22 (2);
- (c) naziphina iimali ezihlawulwe njengezohlwayo phantsi kwalo Mthetho.
- (d) nayiphina inzala evela kutyalo-mali lweengxowa-mali;
- (e) naziphina iimali ekuxunywe ngazo ingxowa-mali ngokwemigaqo yecandelo 9;
- (f) nayiphina intlawulo eyenziwe ngempazamo nengenakubuyekezeke ngokubona koMlawuli-Jikelele;
- (g) naziphina ezinye izixa engathi ingxowa-mali ibe nebango kuzo, okanye ezingathi zivele kuyo nayiphina indawo ukunceda ingxowa-mali.

Ukusetyenziswa kwengxowa-mali.

7. Ingxowa-mali iya kuthi, ngokulawulwa ngamalungiselelo alo Mthetho ibe phantsi kolawulo loMlawuli-Jikelele yaye iimali zayo ziya kuthi zisetyenziswe nguye:—
- (a) ekuhlawuleni amalungelo;
 - (b) ekuhlawuleni naziphina izixa-mali ekumelwe ukuba zihlawulwe ngokwemigaqo yecandelo 31;
 - (c) ekuhlawuleni iNgxowa-mali yeNgeniso yeCiskei ngesixa-mali eso siqingqiweyo njengoko kubonelelwe kwicandelo 10;
 - (d) ekuhlawuleni naziphina izibonelelo ezimiseliweyo kumalungu ebhodi;
 - (e) ekuhlawula kwakhona nayiphina imboleko ethe yenzelwa ingxowa-mali ngokwemigaqo yecandelo 9;
 - (f) ekuhlawuleni nayiphina inkcitho eyenziwe nguMlawuli-Jikelele ekulawulweni kwalo Mthetho kubandakanywa neendleko ekubhekiselelwe kuzo kwicandelo 38;
 - (g) ekuhlawuleni kuRhulumente lowo uchaphazelekayo ngokuphathelele kubantu ekujongwe kubo kwicandelo 2 (5) ngendlela namaxesha ekuya kuthi kuvunyelwane kuwo phakathi koRhulumente onjalo noRhulumente waseCiskei, isixa esilingana nemirhumo eyenziwa kwingxowa-mali ngabantu abanjalo nabaqeshi babo ngokuphathelele kubo.

Ukutyalwa kweemali zeengxowa-mali.

8. Iimali zengxowa-mali ezingezizo ezo mali ezinokuthi zifunelwe ukuhlangabezana nenkcitho ekhoyo ethe yadaleka ekusetyenzisweni kwalo Mthetho, ziya kutyalwa ngenzala ngaloo ndlela inokuthi iqingqwe nguVimba, kwiBanki yezoRhwebo ebhalisiweyo okanye ekuthatyathwa ngokungathi ibhalisiwe phantsi koMthetho weeBanki, 1965 (UMthetho 23 we 1965) okanye kulo naliphina iziko lezemali elisekwe neliqhuba ushishino ngokungqamene nemithetho ebhekiselele kumaziko ezemali, kwiakhawunti eyothi ibizwe ngokuba yi "Akhawunti yeNgxowa-mali yeInshorensi yokuNgqeshwa yeCiskei"
- (1) Nayiphina ingeniso kwixabiso lotyalo-mali iya kuthi yongezeleleke kule ngxowa-mali, ukanti nelahleko kwixabiso lotyalo-mali olo iya kuxakathwa yingxowa-mali leyo.

Ukuxunywa kwengxowa-mali ngeemali zika-Rhulumente.

9. (1) UMphathiswa angathi kwiimali eziqingqwe yiNdibano yeSizwe ukwenzela iimeko ezinjalo nangekulawulwa zezo meko ezingathi zibekwe nguVimba (kubandakanywa iimeko zenzala nokuhlawula kwakhona), ngalo naliphina ixesha axume ingxowa-mali ngezo mali zifunelwa ukuhlawula inkcitho ethe yadaleka ngokunxulumene nokuphathwa kwalo Mthetho, kubandakanywe nentlawulo yamalungelo ngokwemigaqo yawo, nezixa eziya kuthi zihlawuliswe ngokwemigaqo yecandelo 31, njengoko uMphathiswa anokuthi aziqingqe emva kokubonisana noVimba.
- (2) Ezo mali kuthe kwaxunywa ngazo nenzala yazo ziya kufakwa kwingxowa-mali.

Inkcitho yengxowa-mali.

10. (1) Umlawuli-Jikelele uya kuthi ngokukhawuleza kangangoko kunokwenzeka ekupheleni kwawo ngamnye unyaka-mali ngokubonisana noVimba, aqingqe ixabiso leenkonzo ezithe zanikwa ingxowa-mali lilo naliphina isebe loMbuso ngawo loo nyaka-mali, yaye uya kuthi abuyisele ingxowa-mali yeNgeniso yeCiskei ngeso sixa-mali sithe saqingqwa.
- (2) Yonke enye inkcitho eyimfuneko ethe yadalaka ngokunxulumene nokusetyenziswa kwalo Mthetho, kubandakanywa nenkcitho ngokunxulumene nokuqhutywa kwemisebenzi yebhodi iya kuhlululwa ngemali evela kwingxowa-mali.

IiAkhawunti nophicotho ncwadi lwe-ngxowa-mali.

11. (1) Umlawuli-Jikelele uya kwenza ukuba kugcinwe iikhawunti ezizelelo neziyine zengxowa-mali.
- (2) Umlawuli-Jikelele uya kwenza ukuba iincwadi neekhawunti zengxowa-mali zibhalanswe ngomhla wamashumi amathathu ananye kaMatshi wonyaka ngamnye, aze athi emva koko alungiselele ukungeniswa kunye nengxelo ekubhekiselelwe kuyo kwicandelo 42, inkcazo ebonisa ngokuthe gca ingeniso nenkcitho yengxowa-mali yonyaka-mali owandulelayo, nephepha lokubonisa umncwano, elibonisa izinto enazo nezinto ezityalwayo yingxowa-mali.
- (3) Iiakhawunti zengxowa-mali ziya kuphicothwa nguMphicothi-Jikelele.

ISAHLUKO 3

IBHODI YEINSHORENSI YOKUNGAQESHA

Ukusekwa nokubunjwa kwengxowa-mali yelashorensi yokungaqesha.

12. (1) Ukwenjenje kusekwa umbutho owothi ubizwe ngokuba yiBhodi yelashorensi yokungaqesha eya kuba nelungu eliya kuthi limiselwe nguMphathiswa ngenjongo enjalo, eliya kuba ngusihlalo, namalungu angekho ngaphantsi kwesine kodwa angabi ngaphezulu kwesibhozo, aya kube enyulwe nguMphathiswa nekuya kuthi:—
 - (a) isiqingatha sawo simele iimfuno zabaqeshi, yaye siya kunyulwa nguMphathiswa kuluhlu lwabantu olutyunjwe nguye nawuphina umntu okanye umbutho othe ekuboneni koMphathiswa ube ngomele abaqeshi, okanye ukuba akukho mntu okanye mbutho unjalo kuluhlu lwabantu abatyunjwe nguMlawuli-Jikelele njengabantu abalungele ukuba bamele iimfuno zabaqeshi, size
 - (b) esinye isiqingatha simele iimfuno zabarhumi yaye siya kunyulwa nguMphathiswa kuluhlu lwabantu abatyunjwe nguMlawuli-Jikelele njengabantu abakufaneleyo ukumela iimfuno ezinjalo.
- (2) UMphathiswa angathi ngokunjalo anyule elo nani lamalalela lamalungu anyuliweyo phantsi kwecandelo (1) aya kuthi abone ukuba lifanelekile.
- (3) (a) UMphathiswa angathi amisele igosa lesebe lakhe njengosekela-sihlalo weBhodi,
(b) Usekela-sihlalo uya kuthabatha indawo kasihlalo kuyo nayiphina intlanganiselo yebhodi angafinyelelanga kuyo usihlalo.
(c) Ukuba usihlalo nesekela-sihlalo ngaxanye abanakho ukufinyelela entlanganisweni yebhodi amalungu akhoyo entlanganisweni angathi anyule phakathi kwawo umntu onokuthi abe ngusihlalo kuloo ntlanganiselo.
- (4) Amalungu ebhodi aya kubamba isikhundla ithuba elingekho ngaphezu kweminyaka emithathu eliya kuba lixelwe nguMphathiswa ekunyulweni kwawo.
- (5) Nasiphi isithuba esidaleke bekungalindelwe kuzaliswa ngokunyulwa kwelinye ilungu okanye ilalela ngokwemeko leyo ngokungqamene namalungiselelo ecandelwana (1).
- (6) Amalungu okanye amalalela abaxesha labo lokubamba isikhundla lifikelele esiphelweni anokuphinda anyulwe.
- (7) Ilungu lebhodi liya kuthi lishenxe esikhundleni salo ukuba lithe alafinyelela ngaphandle kwemvume kwintlanganiselo ezintathu ezilandelelanayo zebhodi ebe lazisiwe ngazo.
- (8) UMphathiswa angathi ngokubona kwakhe okanye emva kokubonisana okanye ngokucelwa nguMlawuli-Jikelele ngalo naliphina ixesha abucime ubulungu balo naliphina ilungu okanye ilalela lebhodi ukuba ngokokubona kwakhe kukho izizathu ezivakalayo zokwenza oko.
- (9) (a) Usihlalo okanye usekela-sihlalo akayi kuba nevoti yokuxoxa, kodwa ukuba kungathi kubekho ukubambana ngevoti, uya kuba nevoti eyahlulayo.
(b) Usihlalo olibamba uya kuba nevoti yokuxoxa kuphela.
- (10) Akukho sigqibo okanye mthetho wenziwe phantsi kwegunya lebhodi uya kuthi ungabi namandla ngokomthetho ngesizathu kuphela sokubakho kwesikhewu kwibhodi ngexesha ekwenziwa ngalo eso sigqibo okanye kwenziwe ngalo eso senzo.
- (11) UMphathiswa angathi anikele kwibhodi igosa lesebe lakhe ukuba libe ngunobhala webhodi, naloo magosa angamanye okanye abaqesha kwisebe lakhe bangathi babe yimfuneko ukwenzela ukuba ibhodi ibe nakho ukuphumeza imisebenzi yayo.

Imisebenzi yeBhodi.

13. Ngokulawulwa ngamalungiselelo alo Mthetho, imisebenzi yebhodi iya kuba yile ilandelayo:—
 - (a) Iya kuthi iphengulule ukwenzeka nezizathu zokungaqesha ize iphicothe imicimbi enxulumene okanye engathi ichaphazele ukuqesha ize yenze amacebiso kuMphathiswa anjongo zawo ikukuthintela okanye ikukunciphisa ukungaqesha;
 - (b) iya kuthi iphicothe nawuphi umba wolawulo lwengxowa-mali ophathelele kwimisebenzi yayo, okanye nawuphina omnye umcimbi onxulumene nengxowa-mali, yenze namacebiso kuMphathiswa ngawo;
 - (c) iya kuthi ichophele iqingqe izibheni, ngokuchasene nezigqibo zegosa lobizo-mbuyekezo, ezenziwe kulo ngokwemigaqo yecandelo 20;
 - (d) iya kuthi iqingqe amalungelo, ukuba akho, amakhalawulwe ngokwemigaqo yecandelo 28 (14) okanye 29 (8);
 - (e) iya kugcina iinkcukacha ngamanani neerekhodi ngobukho bokungaqesha;
 - (f) iya kuthi inikezele kuMlawuli-Jikelele phambi komhla wamashumi amathathu ka-Epreli kunyaka ngamnye okanye ngokukhawuleza okunokwenzeka emva koku, ingxelo yeentshukumo zayo ngonyaka-mali owandulelayo naloo ngxelo iyenye inokuthi ifunwe nguMlawuli-Jikelele ngokuphathelele kuloo nyaka;

- (g) iya kwenza nolo phengululo lulolunye angathi uMphathiswa ayalele ukuba lwenziwe okanye yenze loo misebenzi iyeminye injalo ingathi iyimiselwe ngulo Mthetho okanye phantsi kwalo Mthetho okanye nguMphathiswa.

- Iintlanganiso zeBhodi.* 14. (1) Intlanganiso yokuqala yebhodi iya kubanjwa ngexesha nakwindawo eyothi imiselwe nguMphathiswa.
(2) Zonke ezinye iintlanganiso ezilandelayo zebhodi ziya kubanjwa ngaloo maxesha nakwezo ndawo eyothi ibhodi amaxa ngamaxesha iziqingqe: Phantsi kwento ethi usihlalo okanye ngexa angekhoyo, usekela-sihlalo, angathi ngalo naliphina ixesha abize intlanganiso yebhodi eyodwa eyothi ibanjwe ngexesha nakwindawo eyalathelwe nguye.
(3) Nawuphina umntu otyunjwe nguMphathiswa angathi abekho kuyo nayiphina intlanganiso yebhodi athabathe kananjalo inxaxheba kwinkqubo yaloo ntlanganiso, kodwa akayi kuvumeleka ukuba avote.
(4) Iiminithi zokukhe kwaqhubeka kuzo zonke iintlanganiso zebhodi ziya kugcinwa ngunobhala webhodi.
(5) Iiminithi zentlanganiso ziya kuthi zinikezelwe kwintlanganiso elandelayo, zize zithi kuba zithe zaphunyezwa zisayinwe ngusihlalo obe ongamele loo ntlanganiso.

- Imithetho yebhodi.* 15. Ibhodi ingathi, ngokulawulwa yimvume yoMphathiswa, yenze imithetho mayela:-
(a) nokuvunyelwa ezintlanganisweni kwabantu abangengabo abo banelungelo phantsi kwalo Mthetho ukuba babekho kuzo.
(b) ikhorum yokusingatha le micimbi kuyo nayiphina intlanganiso enjalo, inkqubo emayilandelwe apho ingekhoyo ikhorum, nesininzi seevoti ekunothi ngayo kuthathwe isigqibo yibhodi.
(c) iimeko apho ilalela lingathi lihlale njengelungu lebhodi.
(d) inkqubo kwiintlanganiso zebhodi kubandakanywa nenkqubo emayilandelwe xa kungathi kulingane inani leevoti.
(e) Loo micimbi iyeminye ingathi ibe yimfuneko okanye ifanelekile ekusebenzeni okukuko kwebhodi.

- Ibhodi ingathi ise umcimbi kwiNkundla ePhakamileyo.* 16. (1) Ibhodi ingathi, ngokukokwayo, yaye iya kuthi ngokucelwa nguye nawuphina umntu ozibona ehlungisiwe zizigqibo zayo, ukuba loo mntu wenze isicelo esinjalo, kwisithuba seentsuku ezingamashumi asithoba emva komhla aziswe ngawo ngesigqibo eso ibhekise umcimbi owodwa ngawo nawuphina umbandela womthetho ngokunxulumene nawuphina umcimbi obhekiselelwe kuyo ukuba yenze isigqibo ngawo ngokwemigaqo yecandelo 20 okanye ngokuphathelele kuwo nawuphina omnye umcimbi othi uvele phantsi kwalo Mthetho ukuba yenzelwe isigqibo yiNkundla ePhakamileyo.
(2) ekwandloleni nawuphina umcimbi onjalo ibhodi iya kuthi yaneke amangaku omcimbi neembono zayo ngomthetho ethe yazisebenzisa ngokuphathelele kuloo mangaku.
(3) Naninina apho nawuphina umntu athe wacela ukuba ibhodi ibhekise umcimbi kwiNkundla ePhakamileyo ngokwemigaqo yecandelwana (1) inkundla ingathi, ngokwemigaqo yayo yenze loo myalelo weendleko unokokuthi ubonakale ufanelekile kuyo, kodwa ukuba ibhodi iye yathi ngokukokwayo yabhekisa umcimbi owodwa ngolo hlobo seluxeliwe, inkundla ayiyi kwenza myalelo ngokuphathelele kwiindleko.

- Ukukhuseleka kwamalungu ebhodi.* 17. Amalungu ebhodi aya kuthi, phantsi kwento ethi athe asebenza *bona fide* akhuselwe yingxowa-mali kuwo onke amanyathelo, indleko nenkcitho ethe yadaleka ngesizathu salo naluphina ubizo-mbuyekezo olunxulumene nengxowa-mali.

- Izibonelelo kumalungu ebhodi.* 18. Amalungu ebhodi anjengamagosa angathi kwiimali yengxowa-mali afumane loo ntlawulo okanye izibonelelo ngokuphathelele kwinkonzo yawo inokuthi imiselwe.

ISIAHLUKO 4

IGOSA LOBIZO-MBUYEKEZO

- Igosa lobizo-mbuyekezo.* 19. (1) Umlawuli-Jikelele uya kuthi amaxa ngamaxesha, xa kukho imfuneko, ngokuthi abhale phantsi alathele igosa okanye umqeshwa wesebe lakhe ukuba libe ligosa lobizo-mbuyekezo.
(2) Igosa lobizo-mbuyekezo liya kuthi:
(a) liqwalasele zonke izicelo zamalungelo ezenziwe ngokwemigaqo yamacandelo 28, 29 ne 30, nangaso nasiphina isixa-mali esihlawulwa ngokwemigaqo yecandelo 31;

20. (1) Nawuphina umntu ohlungiswe sisigqibo segosa lobizo-mbuyekezo:—

(a) ngokuphathelele kuso nasiphina isicelo samalungelo okanye intlawulo yesixa-mali ngokwemi-gaqa yecandelo 31; okanye

(b) ngokunxulumene nomnye umcimbi ongathi ube sisiphumo samalungiselelo alo Mthetho, angathi abhenele kwibhodi, phantsi kwento ethi eso sibheni sifanelwe ngokuthi sibhalwe phantsi kwisithuba seentsuku ezingamashumi amathathu emva komhla athe waziswa ngawo ngesigqibo eso okanye kweso sithuba singaphezu koko singathi sivunyelwe yibhodi.

(2) Isigqibo sebhodi kuso nasiphina isibheni siya kuthatyathwa ngokungathi sisigqibo segosa lobizo-mbuyekezo.

21. (1) Umqeshi ngamnye oqhuba ushishino eCiskei uya kuthi, kwisithuba seentsuku ezilishumi elinesine ukususela kumhla wokuqalisa kwakhe ushishino olo, ngendlela ethe yamiselwa anike uMlawuli-Jikelele iinkcukacha ezimiselweyo zoshishino olo lwakhe, nomqeshi ngamnye okwanjalo uya kuthi kwisithuba esimiselwe nguMlawuli-Jikelele amnike iinkcukacha ezizezinye aya kuthi amaxa ngamaxa azifune. Wonke umqeshi onjalo uya kuthi ngoko nangoko azise uMlawuli-Jikelele nangayiphina inguqulelo kwiinkcukacha ezo athe wazinikezela.
- (2) Wonke umntu ongahlali eCiskei, nayo yonke imibutho edibeneyo engabhaliswanga okanye ekuthatyathwa ngokungathi ayibhaliswanga eCiskei phantsi komthetho ophathelele kwiikhampani oqhuba ushishino eCiskei othi ngokunxulumene nalo aqeshe umrhumi uya kwazisa uMlawuli-Jikelele ngedilesi yakhe okanye yeofisi eyintloko yoshishino olo negama legosa eliyintloko lakhe okanye lalo eCiskei, yaye igosa elinjalo liya kuthi ngazo zonke iinyanga lithatyathwe ngokungathi ligunyazisiwe liya kubopheleleka ukuba liqhube imisebenzi yomqeshi ngokumiselwa ngulo Mthetho lamkele naluphina unikezelo lwalo uxwebhu, olukhutshwe phantsi kwalo Mthetho, oluthi luchaphazele umntu okanye umbutho onjalo.
- (3) Wonke umqeshi uya kuthi kwisithuba senyanga ukususela kumhla athe waqalisa ushishino lwakhe, nangamaxesha ngamaxesha, ngaloo maxa aya kuthi amiselwe, ngendlela emiselweyo anikezele kuMlawuli-Jikelele ezo nkcukacha ziphathelele kubarhumi abakwingqesho yakhe zinokuthi zimiselwe.

22. (1) Bonke abaqeshi baya kuthi ngexesha elimiselweyo kwicandelwana (3) bahlawule kwingxowa-mali isixa-mali esilingana ne 0,8 pesente yemivuzo ehlawulwe banye abarhumi abaqeshwe ngabo ngaloo nyanga yekhalenda emele ukuba intlawulo enjalo yenziwe ngayo ekothi i-0,3 ibe yimirhumo kwingxowa-mali eya kuthi ihlawulwe ngabaqeshwa ize i-0,5 pesent ibe yimirhumo eya kuthi yenziwe ngumrhumi lowo nganye:

Phantsi kwento ethi, ngeenjongo zokuzibuyekeza, loo mqeshi angathi ngeveki okanye ngenyanga, athabathe kumvuzo womrhumi ngamnye isixa-mali esilingana neso sihlawulwe nguye kwingxowa-mali egameni laloo mrhumo: Ngaphezulu, phantsi kwento ethi akuyi kuthatyathwa mrhumo ungaphezu komrhumo weveki enye kumvuzo womrhumi ohlawulwa ngeveki, ngokunjalo akuyi kuthatyathwa mrhumo ungaphaya komrhumo wenyanga enye kumvuzo womrhumi ohlawulwa ngenyanga.

- (2) UMphathiswa uya kurhuma kwingxowa-mali ngeemali ezimiselwe loo njongo yiNdibano yeSizwe, isixa-mali esilingana namashumi amabini anesihlanu eepesenti etotali yesixa semirhumo ehlawulwa kwingxiwa-mali ngokwemigaqo yeli candelo ngabaqeshi ngokwabo nabayihlawulela abarhumi abaqeshwe ngabo, saye eso sixa-mali siya kuhlululwa kwingxowa-mali ngaloo maxesha nangaloo ndlela yothi iqingqwe nguMphathiswa emva kokubonisana noVimba.
- (3) Umqeshi ofanelwe kukwenza intlawulo kwingxowa-mali ngokwemigaqo yecandelwana (1) uya kuthi kwisithuba seentsuku ezilishumi emva kokuphela kwekota nganye ephela ngokulandelela-nayo ngomhla wamashumi amathathu ananye kaMatshi, umhla wamashumi amathathu kaJuni; ngomhla wamashumi amathathu kaSeptemba ngomhla wamashumi amathathu ananye kuDisemba, okanye ukuba uyayeka ukuba ngumqeshi ngayo nayiphi na ikota, kwisithuba seentsuku ezilishumi emva kokuyeka kwakhe ukuba ngumqeshi; okanye ngelo xesha lingaphezu kwelo lingathi livunye nguMlawuli-Jikelele ahlwule kuMlawuli-Jikelele ngokuphathelele kuloo kota okanye kwisiqephu esichaphazelekayo saloo kota, ngokwemeko leyo, yonke imirhumo emele ukuba ihlawulwe kwi-ngxowa-mali ngokuphathelele kuye nakubarhumi abaqeshwe nguye ngaloo kota okanye isiqephu saloo kota.
- (4) (a) Xa umrhumi athe ngaso nasiphina isizathu angabikho emsebenzini ngayo nayiphina iveki aze ngenxa yoko kungabikho ahlawulwe ngaphantsi komvuzo wosuku olunye ngokuphathelele kuloo veki, loo veki iya kuthi ngokweenjongo zalo Mthetho, ingathatyathwa ngokuthi elithu-ba lengqesho, yaye akusayi kuhlululwa mirhumo ngokuphathelele kuloo mirhumo ngaloo veki.
- (b) Xa umrhumi athe nangaso nasiphina isizathu akabikho emsebenzini isiqephu sayo nayiphina iveki aze ngenxa yoko ahlawulwe umvuzo wosuku olunye ngokuphathelele kuloo veki, loo veki iya kuthi ngokweenjongo zalo Mthetho, ithatyathwe ngokuthi ilithuba lengqesho, yaye imirhumo yaloo veki iya kuhlululeka ngokomlinganiso ozeleyo ngokuphathelele kumvuzo weveki oqhelekileyo waloo mirhumi.
- (5) Umqeshi akasayi kuthi, ngokuphathelele kwimirhumo ekumele ukuba ihlawulwe kwingxowa-mali ngumrhumi osengqeshweni yakhe, athabathe kumvuzo waloo mirhumi isixa-mali esingaphezulu kwesixa-mali esimiselwe ngulo Mthetho, okanye afumane kumrhumi nasiphina isibonelelo ngoku-phathelele kumrhumo wakhe isiqu.
- (6) (a) Umqeshi othe wagwetywa ngokwaphula icandelwana (5) uya kuthi, ngaphezu kwaso nasiphi-na isohlwayo esingathi siwiswe phezu kwakhe, ayalelwe yinkundla leyo imwebayo ukuba abuyisele umrhumi lowo uchaphazelekayo imali yakhe, okanye ukuba ayaziwa indawo akuyo umrhumi lowo, ahlawule imbuyekezo leyo, kweso sithuba sexesha sinokuthi simiselwe yinku-ndla nasiphina isixa-mali esitsaliweyo, okanye isibonelelo esithe safunyanwa ngokuchasene nelo candelwana.
- (b) Nawuphina umyalelo onjalo wenkundla uya kuthi usebenze, yaye ungathi uphunyezwe ngokungathi sisigwebo setyala lembambano.
- (7) Xa kukho umrhumo omelwe kukuhlululwa nguye nawuphina umntu kwingxowa-mali, aze uMla-wuli-Jikelele ngokuphathelele kuso nasiphina isixa saloo mirhumo abe nengcinga ethi eso sixa asinakho okanye asimele, phantsi kweemeko ekukuzo kuhlululwa, angathi ayalele ukuba eso sixa-mali sibethwe ngoyaba.
- (8) (a) Akusayi kubakho mirhumo okanye ntlawulo zizezinye zimelwe ukuhlululwa kwingxowa-mali phantsi kwalo Mthetho ngumqeshi ziya kubuyiseleka emva kokuba kuphele iminyaka emitha-thu emva kokuba loo mirhumo okanye iintlawulo ezizezinye bekumele ukuba zihlawulwe kwi-ngxowa-mali.
- (b) Akusayi kubakho mirhumo okanye ntlawulo zizezinye ezizibonakalisa njengezithe zahlawulwa kwingxowa-mali phantsi kwalo Mthetho ngumqeshi ziya kuthi zibuyiseleke emva kokuba kuphele iminyaka emithathu emva kokuba loo mirhumo okanye ezo ntlawulo zithe zahlawu-lwa njalo.

lingxelo emazinikeze-lwe ngabaqeshi.

23. (1) Wonke umqeshi omele kukuhlululwa kwingxowa-mali ngokwemigaqo yecandelo 22 uya kuthi kwisithuba seentsuku ezilishumi emva kokuphela kweekota zonke, okanye ukuba uyayeka ukuba ngumqeshi ngayo nayiphina ikota, kwisithuba seentsuku ezilishumi sokuyeka ukuba ngumqeshi okanye kweso sithuba singaphezu koko sinokuthi sivunye nguMlawuli-Jikelele, athumele ku-Mlawuli-Jikelele, kunye nesixa-mali somrhumo ekufuneka ukuba asihlawule ngokwemigaqo yecandelo 22 (3), ingxelo ngokwendlela emiselweyo equlathe iinkcukacha ngokuphathelele kuloo kota okanye eso siqephu sichaphazelekayo ngokwemeko leyo, njengoko kuya kuba kumiselwe.
- (2) Ukuba umqeshi uqhuba ushishino kwindawo enye nangaphezulu okanye uqhuba, ngaphezu kohlobo olunye loshishino uya kuthi, ngaphandle kokuba ugunyaziswe ngakumbi nguMlawuli-Jikelele, athumele ingxelo eyahlukileyo ngokuphathelele kwindawo nganye okanye udidi ngalunye loshishino.

Ukungaphumeleli ukuhlawula imirhumo okanye ezinye iimali.

24. (1) Ukuba isixa-mali semirhumo okanye nayiphina enye intlawulo ayithanga yahlawulwa ngumqeshi ngexesha emele ukuhlawulwa ngalo, uMlawuli-Jikelele angathi, ngokwengqiqo yakhe awise phezu okanye afumane kumqeshi intlawulo eqingqwe ngokubanzi okanye ngokukodwa, engagqithanga kwipesenti ezilishumi zesixa-mali eso singahlawulwanga, okanye irandi enye, nokuba yeyiphina enkulu kunenye: Phantsi kwento ethi uMlawuli-Jikelele angathi, ngokwengqiqo yakhe asiyeke isohlwayo esinjalo ngokupheleleyo okanye inxenye yaso.
- (2) Naninina apho umqeshi athe wagwetywa ngolwaphulo-mthetho phantsi kwecandelo 48 (1) (j) (i) okanye (iv) inkundla emgwebayo iya kuthi iphande ize iqingqe isixa-mali eso singahlawulwanga, ize inyalele ukuba asihlawule eso sixa-mali kuMlawuli-Jikelele kwisithuba esobe siqingqwe yinkundla leyo.
- (3) Umyalelo owenziwe phantsi kwecandelwana (2) uya kuthi usebenze yaye ungathi ufezekiswe ngokungathi lityala lembambano.
- (4) Ukuba umqeshi uthe akaphumelela ukuthumela kuMlawuli-Jikelele ngexesha elimiselweyo nayiphina ingxelo, ingcaciso okanye iinkcukacha ezimiseliwe phantsi kwecandelo 23 okanye phantsi kwawo nawuphina umgaqo onxulumene nengcaciso okanye iinkcukacha ekumele ukuba zinikezelwe ngumqeshi ofanele ekumele kukurhuma kwingxowa-mali phantsi kwalo Mthetho, uMlawuli-Jikelele angathi aqingqe eso sixa-mali simele kukuhlulwa kwingxowa-mali ngumqeshi, yaye eso sixa-mali siqingqwe njalo siya kuthi, apho kungekho myalelo wenziwe yinkundla ngokwemigaqo yecandelwana (2) sithatyathwe ngokungathi seso sixa-mali bekufanele ukuba sihlawulwe kwingxowa-mali ngokweenjongo zokuqingqa isohlwayo esifanelwe kukuwiswa phantsi kwalo Mthetho okanye zokuqingqa isixa-mali sobizo-mbuyekezo esothi sifakwe ngokumayela nomntu ongasekhoyo okanye umhlaba otshonileyo okanye ikhampani empahla ichithwa ngokusemthethweni.
- (5) Ukuba umqeshi uthi anikezele kuMlawuli-Jikelele ngokuphathelele kuyo nayiphina ikota isixa-mali esingaphantsi kwesixa-mali umqeshi lowo kulindeleke ukuba asihlawule ngokuphathelele kuloo kota uMlawuli-Jikelele angasamkela eso sixa-mali sinikezelweyo, aze acele umqeshi lowo uchaphazelekayo ukuba ahlawule kwingxowa-mali kweso sithuba sobe siqingqwe nguMlawuli-Jikelele, umahluko phakathi kwesixa-mali ezinikezelweyo nesixa-mali ebe kumele ukuba sihlawulwe, ngokuqingqwe nguMlawuli-Jikelele, yaye ngaphezu koko angathi ngokwengqiqo yakhe enze ukuba umqeshi lowo ahlawule kwingxowa-mali njengesohlwayo, eso sixa-mali, esingekho ngaphezu komahluko phakathi kwesixa-mali esesinikezelwe, neso ebe kumele ukuba sihlawulwe nguloo mqeshi esobe siqingqwe nguMlawuli-Jikelele okanye angathi asiyeke ngokupheleleyo okanye ngokuyinxenye.
- (6) (a) Umqeshi othe wahlungiseka sisohlwayo esithe sawiswa phezu kwakhe phantsi kwecandelwana (5) angathi abhenele kuMphathiswa ngokuchasene neso sohlwayo phantsi kwento ethi isibheni eso sibhalwe ephapheni kwisithuba seentsuku ezilishumi elinesine emva komhla ekuthe ngawo umqeshi lowo uchaphazelekayo waziswa ngokuwiswa kweso sohlwayo.
- (b) UMphathiswa angathi ngaso nasiphina isibheni esinjalo:-
- (i) asiyeke isohlwayo esiwiswe nguMlawuli-Jikelele ngokupheleleyo okanye ngokuyinxenye.
- (ii) asinyusele isohlwayo kwisixa-mali esingekho ngaphezu kwesonasixa-mali siqingqiweyo sixelwe kwelo candelwana (5) okanye
- (iii) asichithe isibheni.

Abaqeshi mabagcine iirekhodi.

25. (1) Bonke abaqeshi baya kugcina ngokuphathelele kubo bonke abarhumi abaqeshwe ngabo irekhodi yemivuzo ehlawuliweyo, ixesha elisetyenziweyo nentlawulo eyenziweyo yesitokhwe okanye iova, neyazo naziphina iinkcukacha ezobe zimiselwe, yaye uya kuyigcina loo rekhodi (okanye imicro-film okanye imicroform production yayo. .) ixesha leminyaka emithathu emva komhla eyenziwe ngawo loo rekhodi.
- (2) Umqeshi uya kuthi anike uMlawuli-Jikelele ingcaciso ekubhekiselelwe kuyo kwicandelwana (1) ngolo hlobo nangaloo maxesha aya kuba emiselwe.
- (3) Umqeshi uya kuthi ngawo onke amaxesha afanelekileyo naxa kuthe kwakho isicelo esikhoyo anike nawuphina umhloli iirekhodi (okanye umphindwa wayo) ekubhekiselelwe kuyo kwicandelwana (1) ukuba azihlole.
- (4) Iirekhodi ezigcinwe phantsi kwawo nawuphina umthetho eziqulathe iinkcukacha ezifuneka phantsi kwecandelwana (1) ziya kuthatyathwa ngokungathi ziirekhodi ezimiseliwe lelo candelwana ngokuphathelele kubantu ezinxulumene nabo ezo rekhodi.

Amakhadi eerekhodi zabarhumi.

26. (1) UMlawuli-Jikelele uya kuthi akhuphele bonke abaqeshi ikhadi lerekhodi ngokwefomu nendlela emiseliweyo, ngokuphathelele kuye wonke umrhumi oqeshwe ngumqeshi onjalo.
- (2) Wonke umqeshi uya kuthi ngokuphathelele kuye wonke umrhumi oqeshwe nguye agcine kulo lonke ikhadi lerekhodi elikhutshelwe yena ngokwemigaqo yecandelwana (1) okanye eliziswe

kunye ngokwemigaqo yecandelwana (4), kude kube lelo xesha ekothi ngalo iinkonzo zaloo mrhumi, uchaphazelekayo uqeshwe nguye zipheliswayo nguye yaye kuya kuthi ekubeni ziphelisiwe iinkonzo zaloo mrhumi, umqeshi nomrhumi lowo uchaphazelekayo, baqalise iziqephu ezichaphazelekayo zekhadi lerekhodi, kuze kuthi emva koko umqeshi lowo alinikezele kumrhumi ochaphazelekayo.

- (3) Nakubeni ekho amalungiselelo ecandelwana (2) umqeshi womrhumi, othatyathwa ngokungathi othi ngokwemigaqo yecandelo 29 (1) okanye 30 (5), athatyathwe njengongaqeshwanga nothe wenza isicelo samalungelo, uya kuthi, xa igosa lobizo lithe lacela oko adlulisele ngoko nangoko kwelo gosa ikhadi lerekhodi laloo mrhumi, kunye nengxelo equlathe loo ngcaciso neenkukacha ngokuphathelele kuloo mrhumi njengoko kumiselwe.
- (4) Umrhumi uya kugcina kuye ikhadi lerekhodi elinikezelwe kuye ngokwemigaqo yecandelwana (2) de abe ucelwe ligosa lobizo-mbuyekezo ukuba alingenise kwelo gosa xa athi enze isicelo samalungelo ngokwemigaqo yecandelo 28, 29, okanye 30 okanye de aphinde aqeshwe abe ngumrhumi apho aya kuthi alinikezele kumqeshi wakhe omtsha.

ISAHLUKO 6

UKUHLAWULWA KWAMALUNGELO NEZIBONELELO

Ukuhlawulwa kwamalungelo kubarhumi.

27. (1) Naninina apho umrhumi aye wayeka ukuqeshwa khona, emva komhla oqingqiweyo, uya kuthi ngokwamalungiselelo alo Mthetho, abe selungelweni lokufumana kwingxowa-mali:—
 - (a) amalungelo okungaqeshwa ngokwemigaqo yecandelo 28; okanye
 - (b) amalungelo okugula ngokwemigaqo yecandelo 29; okanye
 - (c) amalungelo okubeleka ngokwemigaqo yecandelo 30; okanye
- (2) (a) Amalungelo ahlawuleka kumrhumi ngaso nasiphina isithuba sokungaqeshwa kwakhe aya kubalwa ngokomlinganiso oyi 45 pesenti womvuzo wakhe weveki oqhelekileyo obehlawulwa wona ukugqibela kwakhe ukuqeshwa.
(b) Ukuba igosa lembuyekezo lanelisekile ukuba umrhumi uthe waqeshwa ngokwemilinganiso eyahlukileyo yemivuzo njengomrhumi, yaye akakhange abe uqeshwe ngaphezu kweeveki ezilishumi elinesithathu ngaloo mlinganiso wayegqibele ukuhlawulwa ngawo ngexa lokuqeshwa kwakhe okokugqibela engumrhumi, okanye naninina apho kukho imbambano ngomlinganiso osisiqhelo womvuzo abehlawulwa wona umrhumi kwingqesho yakhe yokugqibela igosa lobizo-mbuyekezo lingathi liqingqe amalungelo amakhlawulwe wona, ngokuphathelele kumlinganiso womvuzo acingela ukuba uqeshwe okanye wayeqeshwe ngawo ngokwesiqhelo, ze kuthi ukuba umrhumi ngokokucinga kwakhe akunakuthiwa ubeqeshwe okwesiqhelo ngawo nawuphina umlinganiso womvuzo, ngaloo ndlela athi ngokokubona kwakhe ibe ifanelekile phantsi kwezo meko.
- (3) Isixa-mali sawo nawaphina amalungiselelo anokuthi umrhumi abe nebango kuwo siya kubalwa ngokuphathelele kweveki yekhalenda saye isixa-mali samalungelo ngokuphathelele kuso nasiphina isithuba esingaphantsi kweveki yekhalenda enye siya kubalwa ngokweentsuku ezisixhenxe kuyo nayiphina iveki yekhalenda, imini emfutshane yokusebenza ithatyathwe ngokungathi yimini ezeleyo yokusebenza.
- (4) Amalungelo angathi ahlawulwe kumrhumi akayi kuba ngaphezulu kwamalungelo eveki enye ngalo ngalinye ixesha lengqesho leeveki ezintandathu aligqibe engumrhumi ngomhla okanye emva kohla oqingqiweyo.
- (5) Ngokulawulwa ngamalungiselelo amacandelo 28 (14) nele 29 (8), umrhumi akayi kuba selungelweni lokufumana amalungelo isithuba esingaphezu kweeveki ezingamashumi amabini anesithandathu ngaso nasiphina isithuba seeveki ezingamashumi amahlanu anesibini ezilandelelanayo.
- (6) (a) Umrhumi othi alahlekane nengqesho yakhe aze afumane kumqeshi wakhe umvuzo endaweni yexesha lenothi uya kuthatyathwa ngokungathi ube esengqeshweni ngelo xesha.
(b) Umrhumi akayi kuthatyathwa ngokungathi akaqeshwanga ngalo naliphina ithuba aseluqeshweni lomsebenzi othile okanye
- (7) Umntu akayi kuthatyathwa ngokungathi ungumrhumi ngokweejongo zecandelo 22 okanye ngokungathi ungumrhumi osengqeshweni ngokweejongo zecandelwana (4) zeli candelo ngaso nasiphina isithuba athi ngokuphathelele kuso ahlawulwe amalungelo phantsi kwalo Mthetho.
- (8) Umrhumi oqeshwe eCiskei akayi kuba selungelweni lamalungelo ngokuphathelele kulo naliphina ixesha angaphandle kweCiskei yaye umrhumi oqeshwe ngaphandle kweCiskei akayi kuba selungelweni lamalungelo ngokuphathelele nakusiphina isithuba athi asichithe esebenza ngaphandle kweCiskei.

Iimeko eziphathelele kumalungelo okungaqeshwa.

28. (1) Ngokulawulwa ngamalungiselelo alo Mthetho, umrhumi ongaqeshwanga uya kuba selungelweni lokwamkela kwingxowa-mali ngexesha lokungaqeshwa kwakhe amalungelo okungaqeshwa amiselwe licandelo 27.
- (2) Isicelo samalungelo okungaqeshwa phantsi kweli candelo siya kuthunyelwa kwigosa lobizo-mbuyekezo ngumrhumi ngendlela emiselweyo.
- (3) Igosa lobizo-mbuyekezo liya kuthi liphande ubizo olo lwamalungelo lomceli ze ukuba liyaneliseka ukuba umceli unelungelo lokubanga, alwamkele ubizo mbuyekezo, aze agunyazise ukuhlawulwa kwamalungelo amiselwe licandelo 27.
- (4) Umceli uya kuthi anikezele kwigosa lobizo mbuyekezo obo bungqina bothi bufunwe lilo, bengqesho yakhe engaphukanga ngalo naliphina ixesha eliphathelele kwelo acela ngalo amalungelo okungaqeshwa.
- (5) (a) Wonke umntu owenza isicelo okanye ofumana amalungelo okungaqeshwa uya kuthi alanelise igosa lobizo-mbuyekezo ukuba akanakho ukufumana umsebenzi ofanelekileyo, aze athi ngokwezo njongo zoko aye aze abekho kwezo ndawo nangaloo maxesha aya kuthi aqingqwe ligosa lobizo-mbuyekezo.
- (b) Amalungiselelo omhlathi (a) aya kuthi asebenze ngokubhekiselele nakumrhumi ongekho lungelweni lamalungelo ngokwemigaqo yomhlathi (e) okanye (f) wecandelwana (13) yaye kuya kufaneleka ukuba igosa lobizo-mbuyekezo ukuba lilolule ixesha aya kuthi ngalo umrhumi angafumani malungelo ngexesha elilingana nelo umrhumi onjalo athe wasilela ngalo ukululamela amalungiselelo omhlathi (a).
- (6) Xa nawuphina umntu athi enze isicelo samalungelo okungaqeshwa igosa lobizo-mbuyekezo lingathi lifune ukuba angenise ubungqina obuya kuthi bulanelise bokuba ube ewufuna umsebenzi ngokukhuthala okukhulu.
- (7) (a) Ixesha lokungaqeshwa aliya kuthatyathwa ngokungathi liqalisile de umrhumi enze isicelo ngokungamene necandelwana (2) kwigosa lobizo-mbuyekezo.
- (b) Ukuba, ngokoluvo lwegosa lobizo-mbuyekezo ukulibaziseka ekwenzeni isicelo kubangwe ziimeko ebezingenakunqandwa ngumrhumi, igosa lobizo-mbuyekezo lingaqingqa umhla phakathi kwisithuba eso sokulibaziseka njengomhla ekothi ithuba lokungaqeshwa lithatyathwe ukuba liqalise ngawo.
- (8) Naninina apho kuthi kwiimbono zegosa lobizo-mbuyekezo inani lezihlandlelo okanye amaxesha ekuthe ngawo, umrhumi akaqeshwa okanye wahlala engaqeshwanga zingaphaya xa zithe zathelakiswa neemeko zelo xesha ngokuphathelele kwabanye abarhumi abenza umsebenzi oyeleleyo kulowo ubusaya kwenziwa nguloo mrhumi, igosa lobizo-mbuyekezo lingathi, kwimeko yomrhumi lowo ukhangelweyo, nangelo xesha angathi aliqingqe, okanye agunyazise ukuhlawulwa kwamalungelo ngokomlinganiso othotyweyo okanye ale ukuba kuhlululwe amalungelo okungaqeshwa njengoko anokubona kufanelekile.
- (9) Ukuba kulo naliphina ushishino kukho, ekulandeleni nasiphina isikimu seholidi, unqumamo lomsebenzi ngalo naliphina ixesha (ekubhekiselelwe kulo kweli candelo njengexesha leholidi), umrhumi, onqesho yakhe yokugqibela phambi kokuqalisa kwexesha leholidi ibe *ikwelo* shishino, akayi kuthatyathwa ngokungathi akaqeshwanga ngelo xesha leholidi, ngaphandle kokuba uyanelisa igosa lobizo-mbuyekezo ukuba ukungaqeshwa kwakhe akungasizathu saxesha elo leholidi kuphela.
- (10) Xa ngayo nayiphina iveki yekhalenda ekuthi ngokuphathelele kuyo kuhlululwe umrhumi amalungelo okungaqeshwa loo mrhumi uthi enze umsebenzi aya kuthi avuzwe ngawo (kubandakanya nomsebenzi athi umntu afumane ikhomishini ngawo) oluhlobo olwahlukileyo kumsebenzi aqhele ukuwenza okanye ngendlela angaqhelanga kuwenza ngayo, yaye nothi ngokokubona kwegosa lobizo-mbuyekezo unciphise okanye ongathi unciphise umsebenzi onge ufunyanwe ngabanye isixa mali samalungelo okungaqeshwa esiya kuhlululwa loo mrhumi ngokuphathelele kuloo veki siya kuncitshiswa ngesixa-mali esilingana nesixa-mali eya kuthi i-agrigeyithi yamalungelo okungaqeshwa aya kuthi ahlawulwe, kunye nomvuzo ofunyenwe nguye ngaloo veki ngokuphathelele kuloo msebenzi awenzileyo, ngokuqingqwe ligosa lobizo-mbuyekezo, idlule kumvuzo wakhe weveki wesiqhelo awufumene kumqeshi wakhe wokugqibela.
- (11) Ukuba umrhumi oqeshwe ngabaqeshi ababini nangaphezulu uthi alahlekane naloo ngqesho athi ngokuphathelele kuyo nangokwemigaqo yecandelo 2 (3) athatyathwe ngokuthi ungumrhumi ngokweenjongo zalo Mthetho, uya kuthi nasekubeni eqhuba engqeshweni yomnye okanye yabanye abaqeshi, ngokwemeko leyo abe selungelweni lamalungelo okungaqeshwa kodwa isixa-mali samalungelo okungaqeshwa aya kuthi ahlawulwe sona ngokuphathelele kuyo nayiphina iveki yekhalenda siya kuncitshiswa ngesixa-mali eya kuthi ngaso i-agrigeyithi yamalungelo okungaqeshwa aya kuthi ahlawulwe loo mrhumi kunye nomvuzo ofunyenwe nguye ngokuphathelele kuloo veki kuloo mqeshi okanye kwabo baqeshi asaqhuba ukusebenza phantsi kwengqesho yabo iwugqithe umvuzo weveki wesiqhelo ngokuphathelele kwingqesho yakhe yesiqhelo ngokuqingqwe nguMlawuli-Jikelele ngokwemigaqo yecandelo 2 (3).

- (12) Ithuba ekuthi ngokuphathelele kulo kuhlawulwe amalungelo okungaqeshwa ngomlinganiso othotyiweyo kuyo nayiphina iveki yekhalenda ngokwemigaqo yecandelwana (11) liya kuthi, ngokweenjongo zamacandelwana (4) nele (5) ecandelo 27, lithatyathwe njengethuba kuloo veki yekhalenda elimlinganiselo kwixesha lokuqala ebe likhankanyiwe ufanayo nowetotali yesixa-mali samalungelo okungaqeshwa ahlawulwe ngokuphathelele kwelo xesha, kwitotali yesixa-mali ebe sisiya kuhlawulwa ukuba umrhumi ube efumene amalungelo ngokomlinganiso ozeleyo ngokuphathelele kwixesha lokuqala elikhankanyiweyo.
- (13) Ngokulawulwa ngamalungiselelo alo Mthetho umrhumi akayi kuba selungelweni lokuba afumane amalungelo okungaqeshwa:-
- ngaphandle kokuba ube eqeshwe njengomrhumi okanye ngandlela yimbi, engqeshweni ithuba elingangeveki ezilishumi elinesibhozo ubuncinane, nokuba ebeqeshwe ithuba elithe gqolo okanye hayi, ngethuba leeveki ezingamashumi amahlanu anesibini kanye phambi komhla ekuthatyathwa ngokungathi ithuba elo lokungaqeshwa liqale ngawo;
 - ngeveki yokuqala yokungaqeshwa ngaphandle kokuba ukuqalisa kwelo thuba kwenzeka kwisithuba seeveki ezilithoba zalo naliphina ixesha elingaphambili lokungaqeshwa: Phantsi kwento ethi ukuba ukungaqeshwa kuphumela kwiveki yesibini, umrhumi uya kuthi ngokuphathelele kwiveki yokuqala yokungaqeshwa, ukuqalisa kwelo xesha lokungaqeshwa, akwenzeki kwisithuba seeveki ezilithoba zexesha elingaphambili lokungaqeshwa, afumane amalungelo okungaqeshwa ngokuphathelele kwinani elilinganayo leentsuku kuloo veki, nelo leentsuku abengaqeshwanga ngazo ngeveki yesibini;
 - ngaphandle kokuba uyakwazi ukusebenza yaye uyafumaneka xa kukho umsebenzi: Phantsi kwento ethi, ukuba uthi agule lo gama efumana amalungelo okungaqeshwa, uya kuthatyathwa ngokungathi uyakwazi yaye angafumaneka xa kunokubakho umsebenzi ukuba igosa lobizombuyekezo lanelisekile ukuba eso sigulo asingethi siwanqongophalise amathuba akhe okufumana umsebenzi;
 - ukuba ungaphandle kwengqesho ngesizathu sokuthiwa tya komsebenzi ngenxa yengxwabanxwaba kwezorhwebo kwelo shishini abeqeshwe kulo okanye kulo naliphina elinye ishishini, wonke lo gama oko kuthiwa tya komsebenzi athi angaqeshwa emva kokuba ethe waqeshwa bona fide kwenye indawo kumsebenzi ofanelekileyo, okanye ngaphandle kokuba alanelise igosa lobizombuyekezo ukuba:
 - akazanga naninina athabathe nxaxheba kwingxwaba-ngxwaba leyo, yaye zange abe nomdla kumxholo waloo ngxwaba-ngxwaba;
 - akukho mntu uqeshwe endaweni umrhumi awayesebenza kuyo, okanye kumsebenzi oyelele kulowo umrhumi wayeqeshwe kuwo, uthe ngalo naliphina ixesha wathabatha inxaxheba okanye wabonakalisa umdla kumxholo wengxwaba-ngxwaba leyo.
 - isithuba seeveki ezintandathu ukususela kumhla wokungaqeshwa kwakhe, ukuba ekuboneni kwegosa lobizombuyekezo elichaphazelekayo uthe walahlekana nomsebenzi wakhe ngenxa yokungaziphathi ngendlela efanelekileyo, okanye uthe wahlukana nengqesho ngokuthanda kwakhe, kungengasizathu sivakalayo: Phantsi kwento ethi ukuba kuyo nayiphina imeko engafaniyo nezinye igosa lobizombuyekezo lithi libone ukuba phantsi kweemeko ezithile, ukunganikwa komntu onjalo amalungelo okungaqeshwa akuyofeya, lingathi linciphise ithuba elinjalo.
 - isithuba seeveki ezilishumi elinesithathu, okanye eso sithuba singaphantsi kweso sinokuthi siqingqwe ligosa lobizombuyekezo, ukususela kuloo mhla ekuthi ngawo umrhumi ale ukwamkela umsebenzi awanikwayo, okanye ale ukwenza isicelo somsebenzi omfaneleyo, azisiweyo ngawo okanye athe waziqondela ngokwakhe ukuba ukho, okanye athe ngawo akathobela nayiphina imiyalelo ayinikwe ligosa lobizombuyekezo okanye nangubanina egameni lalo, ejongene nokumnceda ukuba afumane umsebenzi, okanye athe ngawo wazibonakalisa okanye azinikele ekwimeko okanye ngendlela anokuthi, ngokokubona kwegosa lobizombuyekezo imthintele ukuba angawufumani umsebenzi.
 - ukuba uthe wasilela ukuthobela nawuphina umthetho onxulumene nokungaqeshwa, lo gama oko kusilela kusaqhubayo;
 - ngaphandle kokuba uyawathobela amalungiselelo amacandelo (4) (5) ne (6).
 - ngokuphathelele kulo naliphina ithuba, ekuthi ngalo ngaso nasiphina isizathu kubekho ukuncitshiswa okwexeshana, kweeyure, okanye iintsuku okanye kweeveki ekuqhele ukusetyenzwa zona kolo shishino aqeshwe kulo, ngaphandle kokuba ikontraka yakhe yenkonzo okanye yobuprentisi okanye yokufunda nomqeshi wakhe ithe yapheliswa.
- (14) Nasekubani ekho amalungiselelo ecandelo 27 (5), kodwa ngokulawulwa ngamalungiselelo ecandelwana (13) (a) leli candelo, ibhodi ingathi ngokokwengqiqo yayo, ngokwesicelo esenziwe ngokwaloo ndlela ichaziweyo, igunyazise intlawulo yamanye amalungelo kuye nawuphina umrhumi okanye udidi lwabarhumi ngomlinganiso ozeleyo okanye loo mlinganiso uthotyweyo, okwelo xesha elinokuthi kubonwe ukuba lifanelekile.

(15) Ngokweejongo zeli candelo, ithethwana "umsebenzi ofanelekileyo".

- (a) ngokuphathelele kumrhumu omlinganiso wesiqhelo wakhe womvuzo ungekho ngaphezulu kwamakhulu asixhenxe anamashumi asibhozo eerandi ngonyaka ithetha nawuphina umsebenzi kubandakanywa umsebenzi kwezolimo nomsebenzi njengesicaka sasekhaya kwindlu eprayi-veti, ngokwengqiqo yegosa lobizo-mbuyekezo elisingathe loo mcimbi, akwaziyo ukuwenza, nokuba ukuwamkela kwakhe umsebenzi onjalo, ngokwemigaqo yegosa lobizo-mbuyekezo akusayi kumthwalisa bunzima bugqithisileyo, nekuthi ngokuphathelele kuwo umvuzo weveki ungabi ngaphantsi kwamalungelo okungaqeshwa abeya kuhlululwa loo mrhumu ngeveki ukuba ubenokuthi angaqeshwa.
- (b) ngokuphathelele kumrhumu omlinganiso wesiqhelo wakhe womvuzo ungaphezulu kwamakhu-lu asixhenxe anamashumi asibhozo ngonyaka, ithetha okweeveki ezilishumi elinesithathu zokungaqeshwa, umsebenzi, loo mrhumu uchaphazelekayo ngokwengqiqo yegosa lobizo-mbuyekezo, akwazi ukwenza, nokwamkelwa kwawo okungayi kuthi kumbangele ubunzima obugqithisileyo, nothi ngaphandle kokuba ngokwengqiqo yegosa lobizo-mbuyekezo umrhumu akakwazi ukwenza, umsebenzi wesiqhelo abeqeshwe kuwo, umsebenzi wodidi oluyeleleyo nobuyekizwa ngokomlinganiso womvuzo ongekho ngaphantsi kwepesenti ezingamashumi asixhenxe anesihlanu zembuyekizwa ehlululwa ngokuphathelele kumsebenzi wesiqhelo wom-rhumu aqeshwe kuwo, okanye nawuphina umsebenzi obuyekizwa ngomlinganiso ophakami-leyo womvuzo, yaye emva koko nawuphina umsebenzi obonwa ukuba ufanelekile ligosa lobizo-mbuyekezo, kodwa ungabandakanyi msebenzi kwimeko apho kuthe kwakho isithuba emva kokuthiwa tya komsebenzi ekubhekiselelwe kulo kwicandelwana (13) (d).

limeko eziphathelele kumalungelo okugula.

29. (1) (a) Ngokulawulwa ngamalungiselelo ecandelo 27 naweli candelo nawawo nawuphina umthetho osebenzayo owenziwe phantsi kwecandelo 49, amalungiselelo okugula angathi ahlawulwe kumrhumu ongaqeshwanga nongenakwenza msebenzi ngenxa yesigulo esichazwe kwisaziso esiphantsi kwecandelwana (2) leli candelo.
- (b) Umrhumu onkonzo zakhe zinganqunyanyiswanga, kodwa ongafumani mvuzo, okanye ofuma-na kumqeshi wakhe ngaphantsi kwesinye esithathwini somvuzo wakhe wesiqhelo, nongena-kho ngenxa yokugula okuxeliweyo, ukwenza umsebenzi wakhe wesiqhelo, uya kuthi, ngo-kweenjongo zomhlathi (a) athatyathwe ngokungathi akaqeshwanga.
- (2) UMphathiswa angathi emva kokubonisana noMphathiswa weMpilo neNtlalontle nebhodi, ngesaziso kwiGazethi achaze ingulo ekuthi ngayo ndawonye, ukuba ubona kufanele, achaze isigulo, neemeko ekunokuthi phantsi kwazo kuhlululwe amalungelo okugula phantsi kwecandelwana (1), yaye angathi kwangendlela efanayo, ahlomele okanye arhoxise nasiphina isigqibo esinjalo, yaye uMpha-thiswa angathi, ekuchazeni loo meko ekuya kuthi phantsi kwayo kuhlululwe amalungelo ngoku-phathelele kuso nasiphina isigulo, asebenzise nayiphina indlela yokwahlula esekelwe phezu kohlobo lwesigulo okanye ukunyangwa kwaso okanye nayiphina enye indlela.
- (3) (a) Isicelo samalungelo okugula siya kwenziwa ngumrhumu kwegosa lobizo-mbuyekezo ngendlela echaziweyo.
- (b) Ukuba igosa lobizo-mbuyekezo lanelisekile ukuba umrhumu akanakho ukusenza isicelo ngo-kwakhe, lingathi ligunyazise loo mntu ungomnye anokuthi limbone efanelekile, ukuba enze isicelo egameni laloo mrhumu.
- (4) Igosa lobizo-mbuyekezo liya kuliphanda ubango lwamalungelo okugula ze ukuba lanelisekile ukuba uselungelweni lisivume isicelo eso, ligunyazise ukuhlululwa kwamalungelo ngendlela echazwe kwicandelo 27.
- (5) Umrhumu akayi kuba selungelweni lokuba afumane amalungelo okugula: -
 - (a) ngeveki ezimbini zokuqala zokungaqeshwa phantsi kwento ethi ukuba ukungaqeshwa kuthi kuqhube emva kweeveki yesibini umrhumu uya kuthi ngokuphathelele kwiiveki ezimbini zokuqala zokungaqeshwa ahlululwe amalungelo okugula ngokuphathelele kwiintsuku ezili-nganayo ngemini ngezo veki zimbini, neenani leentsuku abengaqeshwanga ngazo ngeveki ezimbini ezilandela ngqo emva kweeveki ezimbini zokungaqeshwa zokuqala.
 - (b) ngalo naliphina ithuba athe ngalo waselungelweni lamalungelo okugula ngokwemigaqo yeme-ko yoxhomekeko yecandelo 28 (13) (c);
 - (c) ukuba ngokokubona kwegosa lobizo-mbuyekezo akaqeshwanga ngesizathu sokugula esisisi-phumo sokungaziphathi ngendlela eyiyo kwakhe.
 - (d) Ukuba umrhumu ngokokubona kwegosa lobizo-mbuyekezo, uthe ngaphandle kwesizathu esivakalayo akavuma okanye akakhathalela kufumana lunyango okanye ukuphumeza imiya-lelo kagqirha, ithuba elilingana nelo athe akavuma okanye akabonisa nkathalo.
 - (e) ngaphandle kokuba ube eqeshwe njengomrhumu, okanye ube eqeshwe ngandlela yimbi ubu-ncinane iiveki ezilishumi elinesibhozo nokuba okwethuba elingaphukanga okanye hayi, ngethuba leeveki ezingamashumi amahlanu anesibini ezazi ngqo phambi komhla ithuba loku-ngaqeshwa kuthatyathwa ukuba liqale ngawo.

- (6) Ngokweenjongo zeli candelwana umrhumi ngaphandle komrhumi ekubhekiselelwe kuye kwicandelwana 1 (b) uya kuthatyathwa ngokungathi uthe wayeka ukuqeshwa ngomhla ethe ngawo ikontraka yenkonzo okanye ubuprentisi okanye ubufundi bakhe bapheliswa ngesizathu soko kugula kwenziwe ngako isicelo samalungelo okugula: Phantsi kwento ethi umceli, othe wahlukana nengqesho phambi kokuhlaselwa kukugula ekwenziwe isicelo ngokuphathelele kuko, uya kuthatyathwa ngokungathi wahlukene nengqesho ngomhla athe ngawo wangqinwa ngugqirha ukuba akakwazi kwenza msebenzi ngesizathu seso sigulo sixeliweyo.
- (7) Umrhumi, kubandakanywa nomrhumi ekubhekiselelwe kuye kwicandelwana (1) (b), akayi kuthatyathwa ngokungathi wahlukene nengqesho ithuba elingaphezu kweeveki ezingamashumi amahlanu anesibini eziza ngqo phambi komhla ekwenziwe ngawo isicelo ngokwemigaqo yecandelwana (3)
- (8) Nakubeni ekho amalungiselelo ecandelo 27 (5), kodwa ngokulawulwa ngamalungiselelo ecandelwana (6) (e) eli candelo, ibhodi ingathi ngokwengqiqo yayo, kwisicelo esenziwe ngendlela echaziweyo, igunyazise intlawulo yamanye amalungelo kuye nawuphina umrhumi okanye udidi lwabarmhumi, ngomlinganis ozeleyo, okanye ngaloo mlinganis okanye elo thuba ingathi ilibone lifanelekile.

*limeko ezinxulumene
namalungelo okuba
nzima.*

30. (1) Ngokulawulwa ngamalungiselelo ecandelo 26 naweli candelo nawawo nawuphina umgaqo osebenzayo owenziwe phantsi kwecandelo 49, umrhumi obhinqileyo ongaqeshwanga angahlawulwa amalungelo ngokungqamene namalungiselelo alo Mthetho:
 - (a) ngokuphathelele kumitho lwakhe ithuba elingekho ngaphezulu kweeveki ezilishumi elinesibhozo elingqali ngaphambi kweeveki ezilishumi elinesibhozo eziza ngqo phambi komhla olindelweyo wokuba abe sefukwini okanye, apho isicelo samalungelo senziwe ngomhla okanye phambi komhla wokuzala, ezilishumi elinesibhozo eziza ngqo phambi komhla wokuzala ngokwemeko leyo-
 - (b) ngangethuba elingekho ngaphezulu kweeveki ezisibhozo emva kokuzalwa komntwana ophilileyo, okanye iiveki ezine emva kokuzalwa kwemfa-mbilini, nokuba unakho okanye uyafumaneke ukuba asebenze okanye hayi:
- (2) Isicelo samalungelo okuba nzima phantsi kwecandelwana (1) siya kwenziwa kwigosa lobizombuyekezo ngumrhumi ngendlela echaziweyo.
- (3) Igosa lobizombuyekezo liya kuluphanda ubango lomceli lwamalungelo okuba nzima lize ukuba lanelisekile ukuba uselungelweni lisivume isicelo ligunyazise intlawulo yamalungelo njengoko kuchaziwe licandelo 27.
- (4) Umrhumi akayi kuvumeleka ukuba afumane amalungelo ngokwemigaqo yecandelwana (1) ngaphandle kokuba ubeqeshwe njengomrhumi okanye ngandlela yimbi, ithuba elingangeveki ezilishumi elinesibhozo ubuncinane ngesithuba seeveki ezingamashumi amahlanu anesibini eliza ngqo phambi kosuku olulindelweyo lokuzala kwakhe, okanye apho isicelo samalungelo senziwe ngomhla okanye phambi komhla wokuzalwa, umhla woko kuzala ngokwemeko leyo: Phantsi kwento ethi ibhodi, ingathi ngokusebenzisa ingqiqo yayo, igunyazise intlawulo yaloo malungelo kumceli obe eqeshwe njengomrhumi okanye ngandlela yimbi ixesha elingaphantsi kweeveki ezilishumi elinesibhozo kwisithuba seeveki ezingamashumi amahlanu anesibini esiza ngqo phambi komhla olindelweyo wokuzala kwakhe okanye wokuzala ngokwemeko leyo: ukuba umceli onjalo ube eqeshwe kumsebenzi onokwenza nothumelo-maza eiyoni ngalo naliphina ixesha ngethuba leeveki ezingamashumi amathathu anesithoba eliza ngqo phambi kolo suku lokuba sefukwini kwakhe okanye lokuzala kwakhe.
- (5) Ngokweenjongo zeli candelo, umrhumi olibhinqa uya kuthatyathwa ngokungathi wahlukene nengqesho ngomhla ekuthe ngawo ikontraka yakhe yenkonzo okanye ubuprentisi okanye ubufundi bayekiswa, okanye nasekubeni iinkonzo zakhe zingabe aziyekiswanga, uya kuthatyathwa ngokungathi wahlukene nengqesho, ukuba ngokuphathelele nakuliphina ithuba ekubhekiselelwe kulo kwicandelwana (1), akafumani mvuzo, okanye ufumana ngaphantsi kwesinye esithathwini somvuzo wakhe wesiqhelo kumqeshi wakhe: Phantsi kwento ethi akayi kuthatyathwa ngokungathi wahlukene nengqesho ithuba elingaphezu kweeveki ezingamashumi amabini anesithandathu eliza ngqo phambi komhla ekwenziwe ngawo isicelo ngokwemigaqo ekwenziwe ngawo isicelo ngokwemigaqo yecandelwana (2).

*Intlawulo kubantu
abaxhomekeke kwaba-
ngasekhoyo.*

31. (1) Ngokulawulwa ngamalungiselelo ecandelo 27 (4) naweli candelo nawayo nayiphina imigaqo esebenzayo eyenziwe phantsi kwecandelo 49 igosa lobizombuyekezo lingathi lihlawule kwimali evela kwingxowa-mali abantu abaxhomekeke kumrhumi ofe okanye ofa ngomhla okanye emva komhla oqingqiweyo (emva koku ekuya kuthi kubhekiselelwe kuye njengomrhumi ongasekhoyo) isixa-mali esilingana nesixa sezixa-mali ebezingezihlawulwe ukuba bekunganganxa yamalungiselelo ecandelo 27 (5) umrhumi ongasekhoyo, ukuba umrhumi lowo ungasekhoyo ubenokukwazi ukusebenza afumaneke xa kukho umsebenzi yaye ebeqeshwe ithuba leeveki ezingamashumi amabini anesithandathu ukususela kumhla wokusweleka kwakhe.

- (2) Isicelo sentlawulo ngokwemigaqo yecandelwana (1) siya kwenziwa ngendlela emiselweyo.
- (3) Akusayi kwenziwa ntlawulo ngokwemigaqo yecandelwana (1):
 - (a) Ngaphandle kokuba isicelo sayo senziwe kwisithuba seminyaka emithathu ukususela kumhla wokusweleka komrhumi ochaphazelekayo;
 - (b) ukuba umrhumi ongasekhoyo ube eqeshwe njengomrhumi, okanye ngandlela yimbi, ithuba elingekho ngaphantsi kwesithuba seminyaka emihlanu esiza ngqo phambi komhla wokusweleka kwakhe;
- (4) (a) Ukuba kukho umntu oxhomekekileyo njengoko kuchaziwe kwicandelwana (7) (a) (i) xa kukho nasiphina isixa-mali esimele ukuba sihlawulwe ngokwemigaqo yecandelwana (1) eso sixa-mali siya kuhlululwa kulowo uxhomekekileyo.
 - (b) Ukuba loo mntu uxhomekekileyo uthi angenzi sicelo sentlawulo ngokwemigaqo yecandelwana (1) kwisithuba seminyaka emithathu ukususela kumhla wokusweleka komrhumi lowo ungasekhoyo, isixa-mali singathi, ngokulawulwa ngamalungiselelo alandela emva koku, eli candelo, sihlawulwe kuye nawuphina omnye umntu ukwenzela inzuzo yaloo mntu uxhomekekileyo.
 - (c) Ukuba ibhodi yanelisekile ukuba akukho mntu uxhomekeke komnye njengoko kuchaziwe kwicandelwana (7) (a) (i) ingathi ngokusebenzisa ingqiqo yayo igunyazise intlawulo yesixa-mali, okanye nasiphina isiqephu saso, ngezavenge okanye ngakumbi, kuye nawuphina umntu okanye abantu ukwenzela inzuzo yakhe nawuphina umntu oxhomekeke komnye njengoko kuchaziwe kwicandelwana (7) (a) (ii).
- (5) Amalungiselelo amacandelo 32 ne 33 aya kuthi *mutatis mutandis* asebenze ngokuphathelele kuso nasiphina isixa-mali esihlawulwe nekuya kwenziwa ukuba sihlawulwe ngokwemigaqo yecandelwana (1).
- (6) Isixa-mali esimele kukuhlululwa ngokwemigaqo yecandelwana (1) asiyi kwenza inxalenye yelifa lomrhumi ongasekhoyo.
- (7) Ngokweenjongo zeli candelo;
 - (a) "umntu oxhomekeke komnye" uthetha:—
 - (i) umhlolokazi okanye umhlolo ongumhlweli womrhumi ongasekhoyo kubandakanywa nomhlolo okanye umhlolokazi njengoko kuchaziwe kumhlathi (b)
 - (ii) nawuphina umntwana (kubandakanywa umntwana omiselweyo) womrhumi ongasekhoyo owaye engaphantsi kweminyaka elishumi elinesixhenxe ngomhla wokusweleka komrhumi, nowayexhomekeke ngokwengqiqo yebhodi ngokupheleleyo okanye ngokungamandla kuloo mrhumi ukwenzela ukufumana iimfuneko zobomi, okanye
 - (b) "umhlolokazi okanye umhlolo", ngokwemeko yomrhumi ongasekhoyo, owayemanywe ngokomtshato wesiNtu, uthetha umfazi osaphilayo olo manyano ngokwemeko leyo okanye indoda esaphilayo yolo manyano engumhlweli.

Amalungelo ahlawulwe 32. (1) Ukuba nawuphina umntu uthe wafumana amalungelo angenabango kuwo phantsi kwamalungiselelo alo Mthetho, uya kunyanzeleka ukuba ahlawule kwakhona kwingxowa-mali isixa-mali saloo amalungelo afunyenwe njalo: Phantsi kwento ethi ukuba uMlawuli-Jikelele ubona kungafaneleka-nga kwimeko ethile ukuba afune ukuba kuhlululwe kwakhona isixa-mali esipheleleyo, angathi ngokwengqiqo yakhe, afune ukuhlululwa kwakhona kwaso nasiphina isixa-mali esinganeno kweso, okanye amkhulule loo mntu kwintlawulo yesixa-mali esipheleleyo.

- (2) Naninina apho uMlawuli-Jikelele, athe ngokuphathelele kuso nasiphina isixa-mali sawo nawaphina amalungelo esifunyenwe njalo okanye nasiphina esinye isixa-mali ekumele ukuba sihlawulwe kwingxowa-mali, kubandakanywa iimali ezifunyenwe ngendlela yobuqhetseba kwingxowa-mali, wabona ukuba, phantsi kweemeko ezo asinakho okanye asimele kubuyekezeke, angathi ayalele ukuba sicinywe.

Amalungelo akasayi kugqithiselwa komnye, afakwe etyaleni, axuthelwe ityala okanye kuhlululwe ngawo.

33. (1) Amalungelo akasayi kuthi:—
 - (a) abe nakho ukugqithiselwa komnye okanye afakwe etyaleni;
 - (b) axuthelwe ityala ngawo nawuphina umyalelo wenkundla; okanye
 - (c) kuhlululwe ngawo naliphina ityala analo umntu oselungelweni laloo amalungelo.
- (2) *Ngeenjongo* zecandelwana (1), ityala alibandakanyi naliphina ityala elityalwa ngenxa yamalungiselo ecandelo 32.

ISIAHLUKO 7

UKUTSHINTSWA KWEMILINGANISO YAMALUNGELO NEMIRHUMO

Ukutshintswa kwemilinganiso yamalungelo 34. (1) Ukuba uMlawuli-Jikelele uthe ngalo naliphina ixesha, emva kokubonisana nebhodi, nechule leenkukacha ubona ukuba izinto enazo ingxowa-mali, emva kokuthi ekuthathele umgqaliselo

nemirhumo kwiimeko ezithile

okulityala, zingaphezulu kokufunekayo ukuhlangabeza nasiphina isicelo samalungelo esinokuli ndleka ngexesha lokuswela ingqesho ngokubalaseleyo, uya kuthi axele kuMphathiswa, aze ngoko uMongameli ngesibhengezo *kwiGazethi*, axele uchatha, oya kuthi uqale ukusebenza ukususela kumhla oya kuba uchazwe kweso sibhengezo kumlinganiso wamalungelo oxelwe kwicandelo 27 okanye sisibhengezo esingaphambili esikhutshwe phantsi kwalo Mthetho.

- (2) Ukuba uMlawuli Jikelele uthe ngalo naliphina ixesha, emva kokubonisana nebhodi nechule leenkcukacha, ubona ukuba izinto enazo ingxowa-mali azanelanga okanye akunyuki ngandlela ekucingwa ukuba iya kwanela ukuhlangabezana nezicelo zamalungelo ezinokuthi zibe nokulindleka ngexesha lokungaqeshwa okubalaseleyo, uya kuthi azise kuMphathiswa aze athi uMongameli ngesibhengezo *kwiGazethi*, axele uchatha, oya kusebenza ukususela kumhla ochazwe kwisibhengezo eso, kwimilinganiso yemirhumo exelwe licandelo 22 (1) okanye kwisibhengezo esingaphambili esikhutshwe phantsi kweli candelo, okanye unciphiso kwimilinganiselo yamalungelo echazwe sisibhengezo esikhutshwe phantsi kweli candelo okanye unciphiso kwimilinganiselo yamalungelo echazwe sisibhengezo esikhutshwe phantsi kweli candelo. Phantsi kwento ethi, akukho sibhengezo sinjalo siya kuxela unciphiso lwamalungelo ngaphantsi komlinganiso oxelwe licandelo 27.

ISAHLUKO 8

AMALUNGISELELO OKULWA UKUNGAQESHA

Izikimu zokulwa ukungaqeshwa.

35. (1) Ukuba uMphathiswa ubona ukuba ukungaqeshwa kukho, okanye kungathi kubekho kulo naliphina ushishino okanye ummandla ophakathi kwabarhumi abangenakuthi bafakwe kwenye ingqesho efanelekileyo kwangoko angathi, ngokucetyiswa yibhodi, abonelele ukwenziwa kwesikimu esijongene nokugcina abo barhumi engqeshweni okanye ukufaka abo bangabaqeshwanga okanye abaphume engqeshweni.
- (2) UMphathiswa angathi kuso nasiphina isikimu esinjalo:
 - (a) abonelele nawuphina umcimbi aqonda ukuba kuyimfuneko okanye kufanelekile ukuba awubonelele, kubandakanywa iminikezelo yemali okanye yoncedo kuye nawuphina umqeshi okanye udidi lwabaqeshi okanye labarhumi esinxulumene nabo isikimu eso.
 - (b) ahlule phakathi kweendidi zabaqeshi neendidi zabarhumi nangeyiphipina indlela ayibona iyimfuneko ukwenzela ukuphumeza iinjongo zeso sikimu.
- (3) UMphathiswa angathi, emva nokubonisana noVimba, agunyazise intlawulo ethatyathwe kwingxowa-mali yesixa-mali esizeleyo, okanye inxalenye yaso ekunokuthi kufuneke ukuba sihlawulwe ngokuphathelele ekusetyenzisweni kweso sikimu, kubandakanywa nayiphina inkcitho ethe yaba sisiphumo solawulo lwaso.
- (4) UMphathiswa angathi naninina:
 - (a) emva kokubonisana noVimba, arhoxise okanye aguqule naliphina igunya elinikezelwe ngokwemigaqo yecandelwana (3).
 - (b) ngokucetyiswa yibhodi arhoxise okanye ahlomele nasiphina isikimu.

Ukunqunyanyiswa kwezibonelelo ezithile zalo Mthetho.

36. (1) Naninina apho uMphathiswa athi abe noluvo lokuba kuwo nawuphina ummandla ukungaqeshwa kwabantu kulo naluphina ushishino kukangangokuba kudaleke imeko yonxunguphalo, angathi, emva kokubonisana nebhodi, ngesaziso *kwiGazethi*, arhoxise, okwelo thuba, nangokwezo meko, iziphambuko nezinto ezingabandakanywanga ezingaba zichaziwe kwisaziso, ngokuzeleyo okanye ngokungaphelelanga ukusebenza kwamalungiselelo ecandelo 27 (4) okanye (5) okanye (28) (13) (a) okanye (i) ngokuphathelele kubo nabaphina abarhumi okanye udidi lwabarhumi, abaqeshwe okanye abebeqeshwe kolo shishino kuloo mmandla.
- (2) UMphathiswa angathi naninina ngesaziso *kwiGazethi* (ahlomele okanye atshitshise nasiphina isaziso esikhutshwe ngokwemigaqo yecandelwana (1)).

Izibonelelo zeveki ezizodwa.

37. Naninina umrhumi emva kokuba eye wangaqeshwa athi amkele ingqesho enganeno kwisiqingatha somndilili womlinganiselo weveki womvuzo obufunyanwa nguye kwisithuba seenyanga ezintathu ezandulela kanye olo aye waqeshwa ngalo, uya kuthi ngelo thuba asaqeshwe njalo ngalo, abe selungelweni lokufumana kwingxowa-mali isibonelelo seveki esisodwa esilingana nomahluko phakathi komvuzo wakhe weveki, kubandakanywa nekhomishini yesiqingatha saloo mndilili womlinganiselo womvuzo: Phantsi kwento ethi eso sibonelelo sixeliweyo siya kuthi:
 - (a) singabi ngaphezu kwesixa-mali samalungelo abeya kuhlululwa loo mrhumi ukuba ubethe wahlala engaqeshwanga;
 - (b) sihlawulwe ithuba elingekho ngaphezu kweeveki ezilishumi elinesithathu kwisithuba seeveki ezingamashumi amahlanu anesibini ezilandelelanayo;

- (c) asiyi kuhlululwa ukuba igosa lobizo-mbuyekezo lanelisekile ukuba umrhumi ungene endaweni yomnye umqeshwa obefumana umlinganiso ongaphezu kwalowo unikwe loo mrhumi uchaphazelekayo, nowagxothwa ngumqeshi wakhe ngaphandle kwesizathu esivakalayo;
- (d) iya kuthi iyekwe ukuhlululwa ukuba umrhumi ochaphazelekayo uthe wala ukwamkela umsebenzi ofumanekayo ohlobo lunye nalowo yaye evuzwa ngomlinganiso womvuzo ofanayo okanye ongaphezulu kunomsebenzi awayeqeshwe kuwo phambi kanye kokuba amkele umsebenzi izibonelelo ezihlawulwa ngokuphathelele kuwo, ingenguwo umsebenzi othe wakho ngenxa yokuthiwa tya komsebenzi njengoko kubhekiselelwe kuko kwicandelo 28 (13) (d); yaye
- (e) siya kuncitshiswa *pro rata* ngokwesilinganiselo salo naluphina unciphiso olusemthethweni olweziwe kwingeniso yeveki yomrhumi ochaphazelekayo ngokuphathelele kuko nakuphina ukunga phumeleli kwakhe ukufezekisa imiqathango yekontra yakhe yenkonzo.
- (2) Isibonelelo esisodwa seveki ekubhekiselelwe kuso kwicandelwana (1) siya kuthi sihlululwe kuphe-la ukususela kuloo veki *ekuthe* ngayo umrhumi lowo wazisa igosa lobizo-mbuyekezo ngendlela emiselweyo, ngokwamkela kwakhe ingqesho exeliweyo, umlinganiso wengeniso oya kuhlululwa ngokuphathelele kuloo ngqesho, negama nedilesi yaloo mqeshi uchaphazelekayo.
- (3) Igosa lobizo-mbuyekezo liya kuthi lithumele nayiphina ikopi yesaziso elithe layifumana ngokwemigaqo yecandelwana (2) kuloo mqeshi uchaphazelekayo, oya kuthi emva koko athumele ngeveki kwigosa lobizo-mbuyekezo, ingxelo, ngendlela exeliweyo neqinisekiswa nguye, ebonisa umvuzo weveki ofunyanwa nguloo mrhumi uchaphazelekayo nokuxhazulwayo, ukuba kukho olwenziwe kumvuzo waloo mrhumi kuko nakuphina ukusilela okungathi kubekho ekuphumezeni imigaqo yekontra yakhe yenkonzo.
- (4) Umrhumi uya kuthi ngexa ahlululwa isibonelelo ngokwemigaqo yecandelwana (1) athatyathwe ngokweenjongo zalo mthetho ngokungathi ungumrhumi, oqeshwe ngaloo mlinganiso womvuzo awayeqeshwe ngawo kanye phambi kokuba amkele loo ngqesho ahlululwa isibonelelo ngokuphathelele kuyo.
- (5) Umrhumi akayi kuthi ngexa ahlululwa isibonelelo esinjalo athatyathwe ngokweenjongo zalo Mthetho ngokungathi ufumana amalungelo.

Intlawulo yendleko zoqeqesho zomrhumi.

- 38. (1) Naninina apho umrhumi ophantsi koqeqesho ukulungiselela ingqesho ethile phantsi kwaso nasiphina isikimu esivunye nguMlawuli-Jikelele, uMlawuli-Jikelele angathi, emva kokubonisana nebhodi ahlawule ngemali evela kwingxowa-mali ezo ndleko zinxulumene nolo qeqesho, angathi abone zifanelekile, yaye intlawulo enjalo ingenziwa kumrhumi ochaphazelekayo, okanye kwiziko loqeqesho okanye kumrhumi nakwiziko.
- (2) Intlawulo eyenziwe phantsi kweli candelo ayiyi kuthi ngokuphathelele kuye nawuphina umrhumi, idlule kwitotali yesixa-mali samalungelo, angele, ngokokubona koMlawuli-Jikelele, ehlululwe loo mrhumi ukuba ebengaqeshwanga ngethuba lolo qoqesho.
- (3) Ekubaleni ngokweenjongo zecandelwana (2), itotali yesixa-mali samalungelo angele, ngokokubona kuMlawuli-Jikelele ehlululwe umrhumi, ukuba ebengaqeshwanga ngethuba lolo qeqesho, amalungiselelo ecandelo 27 (4) ne (5) akayi kuthathelwa ngqalelo.
- (4) Nasekubeni kukho amalungiselelo amacandelwana (2) ne (3) naninina apho uMphathiswa emva kokubonisana nebhodi athe wanelisekile ukuba kukho imfuneko yokuseka isikimu sokuqeqeshela abarhumi abathe baphulukana nengqesho umsebenzi ofanelekileyo, angathi, ngokubonisana noVimba, agunyazise intlawulo ephileleyo okanye isiqephu sendleko yokuseka nokulondoloza isikimu esinjalo kwimali evela kwingxowa-mali.

ISAHLUKO 9

ULAWULO NOKUSETYENZISWA KWALO MTHETHO

Indlela yokubala umvuzo.

- 39. (1) Ngokweenjongo zokuqingqa umvuzo womrhumi –
 - (a) ngonyaka, umvuzo wakhe, ukuba uhlululwa ngenyanga, uya kuphindwa-phindwa ngamashumi amahlanu anesibini aze ukuba uhlululwa ngenyanga ngeshumi elinambini;
 - (b) ngeveki, umvuzo wakhe, uya kuthi ukuba uhlululwa ngenyanga wahlula-hlulwe ngesine esinesinye esithathwini.
 - (c) ngenyanga umvuzo wakhe ukuba uhlululwa ngeveki uya kuphindwa-phindwa ngesine esinesinye esithathwini;okanye loo mivuzo iya kuqingqwa ngeyona ndlela iyiyo yokubala ukwenzela ukuba kukhutshwe elona xabiso liyinyaniso lomvuzo womrhumi ngonyaka, ngeveki okanye inyanga ngokwemeko leyo.

- (2) Nayiphina ingxwaba-ngxwaba ephathelele nakuwuphina umcimbi ekubhekiselelwe kuwo kwicandelwana (1) iya kusingathwa nguMlawuli-Jikelele.
- (3) Ixabiso lako nakuphina ukudla okanye indawo yokuhlala ekhutshwe ngumqeshi liya kuqingqwa ngokungqamene nendlela echazwe yimigaqo.
- (4) Ekubalweni kwemirhumo phantsi kwecandelo 22 okanye kumalungelo phantsi kwecandelo 27 okanye nasiphina isixa-mali phantsi kwalo Mthetho, naliphina iqhezu lesenti, kwisixa-mali semirhumo okanye amalungelo okanye sesinye isixa-mali esinjalo asiya kuthathelwa mgqaliselo ukuba inani lokuqala ledesimali leqhezu elinjalo lingaphantsi ko 0,5, yaye liya kuthatyathwa ngokungathi lisisinye ukuba liyalingana okanye lingaphezu ko 0,5.

Amagunya, imisebenzi neemfanelo zoMlawuli-Jikelele.

- (1) Amagunya, imisebenzi neemfanelo eziphathiswe okanye eziwiswe phezu koMlawuli-Jikelele ngulo Mthetho okanye phantsi kwalo Mthetho, ziya kusetyenziswa ziqhutywe nguMlawuli-Jikelele ngokulawulwa yimiyalelo nolawulo loMphathiswa.
- (2) Umlawuli-Jikelele angathi, ngokulawulwa zezo meko zinokuthi zimiselwe nguye nangokuthi kuvunywe nguMphathiswa abele nawaphina amagunya, imisebenzi okanye iimfanelo phantsi kwalo Mthetho naliphina igosa okanye umqeshwa weSebe lakhe, yaye nawaphina amagunya asetyenzisiweyo, imisebenzi eyenziweyo neemfanelo eziphunyeziweyo lelo gosa okanye umqeshi ziya kuthi, ngokweenjongo zalo Mthetho zithatyathwe ngokungathi zisetyenziswe, zaqhutywa, zaphunyezwa nguMlawuli-Jikelele.

Umlawuli-Jikelele angathi athabathele kuye ipropati okanye atshintshe ubunini bayo.

- (1) Umlawuli-Jikelele angathi athenge okanye athabathele kuye nayiphina ipropati enokuthi ifuduswe efuneka ngokupheleleyo okanye ngokuyinxenye ukuphumeza iinjongo zalo Mthetho, yaye angathi ngemvume yangaphambili kaVimba athengise okanye ahambise loo propati, okanye acime iilahleko nokusilela okukhoyo.
- (2) Ngokulawulwa yimvume kaMongameli wesigqeba esilawulayo, umlawuli-Jikelele angathi athenge okanye kungenjalo athabathele kuye ipropati engenakufuduswa efuneka ngokupheleleyo okanye ngokuyinxenye ukuphumeza iinjongo zalo Mthetho yaye angathi, atshintshe ubunini, okanye aqeshise nayiphina ipropati efunyenwe ngaloo ndlela.
- (3) Yonke ipropati engenakufuduswa efunyenwe njalo iya kuthi igcinwe egameni loMbuso kwingxowa-mali

Ingxelo yonyaka.

- (1) Umlawuli-Jikelele uya kuthi kunyaka ngamnye emva komhla wamashumi amathathu ananye kuMatshi naphambi komhla wamashumi amathathu kuJuni, okanye ngokokukhawuleza okunokwenzeka emva koko, angenise ingxelo kuMphathiswa wemicimbi yengxowa-mali yonyaka-mali odlulileyo, yaye iya kubandakanya ingxelo eyodwa:
 - (a) ngendlela ethi ibhodi iyiqhube ngayo imisebenzi yayo;
 - (b) Inani labarhumi abangaqeshwanga abathe bahlawulwa amalungelo, netotali yesixa-mali saloo malungelo.
 - (c) Inani labarhumi abangasekhoyo, aba bantu baxhomekeke kubo bathi bahlawulwa isixa-mali ngokuphathelele kwimigaqo yecandelo 31 netotali yezo zixa-mali zithe zahlawulwa njalo; yaye uya kungenisa ingxelo-mali, nephepha ukubonisa umncono ekubhekiselelwe kulo kwicandelo 11 (2) kunye nezo ngxelo.
- (2) Le ngxelo kubhekiselelwe kuyo kwicandelwana (1), kunye negxelo-mali yengeniso nenkcitho, nephepha elibonisa umncono ekubhekiselelwe kulo kwicandelwana 11 (2) iya kwandlalwa phezu kweTafile yeNdibano yeSizwe kwisithuba seentsuku ezingamashumi amathathu emva kokuba ifunyenwe nguMphathiswa ukuba iNdibano yeSizwe ikwiseshoni yayo yesiqhelo, okanye, ukuba iNdlu yeNdibano ngoko ayikho kwiseshoni yayo yesiqhelo kwisithuba seentsuku ezilishumi elinesine zokuqalisa kweseshoni yesiqhelo elandelayo (yayo).

Unyulo lwabahloli.

- (1) UMphathiswa angathi, ngokulawulwa yimithetho elawula inkonzo kaRhulumente, anyule nawuphi na umntu ukuba abe ngumhloli phantsi kwalo Mthetho.
- (2) Bonke abahloli baya kukhutshelwa iziqinisekiso ezisayinwe nguMlawuli-Jikelele ekuxelwe kuzo ukuba umntu lowo obhalwe kuso unyulwe ukuba abe ngumhloli phantsi kwalo Mthetho.

Amagunya abahloli.

- (1) (a) Umhloli angathi ngalo naliphina ixesha nangaphandle kokwazisa ngaphambili angene kuzo naziphina iintendezezo zoshishino, yaye angathi ngethuba akwezo ntendezezo, okanye nangaliphina ixesha abuze nawuphina umntu okwintendezezo okanye obe ekwintendezezo ezo, phambi kwabanye okanye bucala, yaye angathi afune loo mntu ukuba akhuphe ngoko nango, okanye ngexesha nakwindawo eqingqwe ngumhloli, zonke iincwadi namaxwebhu angathi abekho, okanye abekho kwiintendezezo ezo okanye kumninizo, okanye elugcinweni lwakhe

nawuphina umqeshi ohleli kwezo ntendezezo okanye ezisebenzisayo, okanye akhe nawuphina umqeshwa waloo mqeshi, okanye angathi nangaliphina ixesha, kuyo nayiphina indawo afune nakuwuphina umntu ongathi abe nayo nayiphina iincwadi okanye uxwebhu, kuye okanye elugcinweni lwakhe okanye phantsi kolawulo lwakhe, olunxulumene noshishino lwakhe nawuphina umntu ongumqeshi okanye owayengumqeshi, ukuba akhuphe ngoko nangoko, okanye ngexesha nasendaweni eya kube iqingqwe ngumhloli loo ncwadi okanye olo xwebhu, yaye angathi ayiphonononge, acaphule kuyo, enze neekopi zazo zonke iincwadi namaxwebhu anjalo, yaye angathi afune inkcazelo yako nakuphina okubhaliweyo kuzo naziphina iincwadi okanye amaxwebhu anjalo, yaye angathi athabathe naziphina iincwadi okanye amaxwebhu angathi ngokucinga kwakhe abe nokumnika ubungqina ngalo naluphina ulwaphulo-mthetho phantsi kwalo Mthetho.

(b) Umhloli angathi ahambe neqela labancedisi nalo naliphina ilungu lamapolisa xa esiya kuzo naziphina iintendezezo ezinjalo.

- (2) Umqeshi ontendezezo kuhlelwe kuzo okanye zisetyenziswa ngokunxulumene noshishino lwakhe, naye wonke umntu oqeshwe nguye, uya kuthi ngalo lonke ixesha anikezele ezo zinto zingamalu-ngiselelo zingathi zifunwe ngumhloli ekungeneni kwakhe kwiintendezezo ezinjalo okanye ekuhlo- leni okanye ekuphononogeni kwakhe iincwadi namaxwebhu kwezo ntendezezo okanye ukwe- nzela ukwenza naluphina uphando ngokunxulumene noko.
- (3) Umhloli angathi anyanzelise ukuba kukhutshwe nasiphina isikhongozelo ebe siqulathe nayiphina imali ehlawulwe okanye eza kuhlawulwa umrhumi njengomvuzo, nayo nayiphina ingxelo enike- zelwe okanye eza kunikezelwa kumrhumi ngumqeshi ngokunxulumene nentlawulo, yaye angathi akuphonononge okuqulathwe seso sikhongozelo nayiloo ngxelo.
- (4) Umhloli angathi afune nawuphina umqeshwa okanye umqeshi athe akabi nakho ukumbuza imibu- zo kwindawo yakhe yoshishino ukuba eze phambi kwakhe ngalo naliphina ixesha nakwindawo eyobe iqingqwe nguye, aze athi apho nangelo xesha ambuze imibuzo loo mqeshwa okanye mqeshi.
- (5) Umhloli angathi afune ukuba nawuphina umqeshi ukuba enze zonke intlawulo ezimele ukwenze- lwa nawuphina umrhumi phambi kwakhe umhloli lowo.
- (6) Umhloli osebenzisa amagunya okanye owenza nawuphina umsebenzi ophathiswe yena okanye obekwe phezu kwamagxa akhe ngulo Mthetho, uya kuthi xa kuthe kwafunwa, akhuphe isiqinise- kiso asikhuthselwe ngokwemigaqo yecandelo 43 (2).
- (7) Ngokweenjongo zeli candelo, nayiphina itoliki iya kuthi, lo gama isebenza phantsi kwemiyalelo ngokusemthethweni yomhloli ithatyathwe ngokungathi ingumhloli, yaye nawuphina umbuzo obuzwe ngayo, impendulo eyenziwe kuyo, nemfuneko eyenziwe yiyo okanye ukuphazanyiswa kwetoliki leyo lo gama yenza oko kuya kuthatyathwa ngokungathi ngumbuzo obuzwe nguye nempendulo eyenziwe nguye nemfuneko eyenziwe nguye okanye ukuphazanyiswa kwakhe um- hloli.

*Ukhululo ekulawu-
leni irhafu.*

45. Ukufunyanwa nemali ethi yongezeleke kwingxowa-mali kubandakanywa ulongezelelo oluvela kulo naluphina utyalo-mali, ziya kukhululeka kwirhafu yengeniso.

*Imbuyekezo yelahleko
nomonakalo.*

46. (1) Ukuba umntu osengqeshweni okanye owayesengqeshweni kwiSebe loMbuso uthe wenza ukuba ingxowa-mali ibe nelahleko okanye umonakalo ngokuthi:—
 - (a) asilele ukuqokelela iimali zengxowa-mali, ebe kumelwe ukuba ziqokelelwe nguye,
 - (b) abe nobutyala okanye wayenobutyala ngentlawulo enxamnye nomgaqo yeemali zengxowa- mali okanye ngentlawulo yeemali ezinjalo engangqinwa yivawutsha efanelekileyo,
 - (c) abe nobutyala okanye wayenobutyala ngokuchithwa okungenambuyekezo kweemali zengxo- wa-mali, okube sisiphumo sokutyeshela kwakhe ukwenza iimfanelo zakhe.
 - (d) abe nobutyala okanye wayenobutyala ngokusilela, okanye ngokutshatyalaliswa, okanye nangawo nawuphina umonakalo kwiimali zengxowa-mali, izitampo, amaxwebhu ahamba nentlawulo yemali kunye namaphepha anokuba nexabiso, izikhuselo zetyala, izinto zokuse- benza, impahla nayo nayiphina enye ipropati yengxowa-mali, okanye
 - (e) abe nobutyala okanye waba nobutyala ngobizo-mbuyekezo kwingxowa-mali olube sisiphumo sokutyeshela kwakhe ukwenza iimfanelo zakhe.

Umlawuli-Jikelele uya kuthi aqingqe isixa-mali saloo lahleko okanye monakalo, aze, ngokulawu- lwa ngamalungiselelo ecandelwana (5) ayalele, ngesaziso esibhaliweyo, loo mntu ekuthethwe ngaye, ukuba ahlawule kuye, kwisithuba seentsuku ezingamashumi amathathu, ukusuka kumhla wesaziso esinjalo, eso sixa-mali sobe siqingqiwe.

- (2) Ukuba umntu osengqeshweni yeSebe loMbuso nothe ngokwemigaqo yecandelwana (1) wayalelwa ukuba ahlawule isixa-mali esithile, uthi angaphumeleli ukusihlawula eso sixa-mali ngelo xesha liqingqiweyo kweso saziso kuthethwa ngaso, eso sixa-mali siya kuthi, ngokwamalungiselelo ama- candelwana (4), (6) ne (7) sixhuzulwe kumvuzo wakhe wenyanga: Phantsi kwento ethi, olo

xhuzulo alusayi kuthi ngayo nayiphina inyanga enye lube ngaphezulu kwesinye esineni somvuzo wakhe wenyanga.

- (3) Ukuba umntu owayesengqeshweni yeSebe loMbuso, nothe, ngokwemigaqo yecandelwana (1), wayalelwa ukuba ahlawule isixa-mali, esithile, uthi angaphumeleli ukusihlawula eso sixa-mali ngexesha eliqingqiweyo kwisaziso esixeliweyo, uMlawuli-Jikelele uya kuthi, ngokulawulwa ngamalungiselelo amacandelwana (4), (6) ne (7) asifumane kwakhona eso sixa-mali kuloo mntu uchaphazelekayo ngokuthabatha amanyathelo ngokusemthethweni.
- (4) Ukuba umntu othe wayalelwa ukuba ahlawule isixa-mali esithile, ngokwemigaqo, uthi enze isinikezelo, kwisithuba sexesha esiqingqwe kweso saziso kuthethwe ngaso, sokuba asihlawule eso sixa-mali ngezavenge, uMlawuli-Jikelele, angathi ayivumele intlawulo ngezavenge anokuthi abone zifanelekile.
- (5) Ukuba ngaso nasiphina isizathu, uMlawuli-Jikelele ucinga ukuba isixa-mali sayo nayiphina ilahleko okanye sawo nawuphina umonakalo ekubhekiselelwe kuso kwicandelwana (1) masingabuye sifunwe kwakhona okanye makufunwe kuphela inxenye yaso kuloo mntu umele ukusihlawula, angathi amkhulule loo mntu ekubeni ehlawule isixa-mali esizeleyo okanye inxenye yesixa-mali eso.
- (6) Umntu othe ngokwemigaqo yecandelwana (1) wayalelwa ukuba ahlawule isixa-mali esithile, angathi, kwisithuba seentsuku ezingamashumi amathathu ukususela kumhla womyalelo onjalo, abhene, ngokuthi abhale phantsi ngokuchasene nomyalelo onjalo ebhekisa kuMphathiswa axele imihlaba yesibheni sakhe, yaye uMphathiswa angathi emva kophando angathi alubone luyimfuneko, asikhabe eso sibheni, okanye ayalele ukuba umbheni lowo akhululwe ngokupheleleyo okanye ngokuyinxenye ngokunokuthi akubone kufanelekile kwaye kulungile kwintlawulo yeso sixa-mali.
- (7) Umntu othe ngokwemigaqo yecandelwana (1) wayalelwa ukuba ahlawule isixa-mali esithile, othe endaweni yokuba abhenele kuMphathiswa phantsi kwecandelwana (6) enze isicelo swinkundla enegunya elifanelekileyo kwisithuba seentsuku ezingamashumi amathathu ukususela kumhla womyalelo onjalo okanye kwisithuba esingaphezu koko esinokuthi sivunye yiloo nkundla, somyalelo obeka bucala loo myalelo wokuqala okanye wokunciphisa eso sixa-mali, yaye inkundla ingathi emva kwesicelo esinjalo, ukuba ayaneliswanga xa ijonge izigaba zetyala ukuba loo myalelo wawenziwe ngendlela efanelekileyo, okanye ukuba eso sixa-mali kuxanjuliswanga ngaso sichanekile ingathi yenze umyalelo obeka bucala lowo wokuqala, okanye wokuthotywa kweso sixa-mali ngokwemeko leyo.
- (8) Ukuba isixa-mali sithe sathotywa ngokwemigaqo yamacandelwana (5), (6) okanye (7), eso sixa-mali sithotyweyo siya kuthi *mutatis mutandis* sifunyanwe kwakhona ngokungqamene namalungiselelo amacandelwana (1), (2), (3) ne (4).

Ubungqina.

47. (1) Naziphina izigqibo ezithe zabhalwa phantsi zagcinwa nguMlawuli-Jikelele okanye yibhodi, nayo nayiphina ikopi okanye isicatshulwa esivela kokubhalwe kuyo nakweyiphina incwadi okanye okubhalwe phantsi kwaza kwagcinwa nguMlawuli-Jikelele okanye yibhodi, kunye nalo naluphina uxwebhu olugciniswe kuMlawuli-Jikelele okanye ibhodi olubanga ukuba luqinisekiswe nguMlawuli-Jikelele okanye ngusihlalo webhodi, ngokwemeko ukuba luyikopi ebubunyani okanye isicatshulwa luya kuthi nje ukuba likhutshwe, lwamkelwe kuyo nayiphina inkundla yomthetho njenge yobungqina *prima facie* baloo mcimbi iqinisekiswe njalo, ngaphandle ngokungqina ngesignitsha yoMlawuli-Jikelele okanye loo sihlalo webhodi kuthethwe ngaye, ngokwemeko leyo.
- (2) Kuzo naziphina iinkqubo phantsi kwalo Mthetho ingxelo efungelweyo ebanga ukuba yenziwe nguMlawuli-Jikelele nekuthiwe kuyo:
 - (a) nawuphina umntu okanye iqela labantu, ungumqeshi okanye umrhumi phantsi kwalo Mthetho, okanye
 - (b) nawuphina umntu ekufuneka okanye ekwaye kwafuneka ngokwasemthethweni phantsi kwalo Mthetho ukuba ahlawule isixa-mali esithile kuMlawuli-Jikelele, okanye
 - (c) nasiphina isixa-mali ekubhekiselelwe kuso kumhlathi (b) okanye inxenye yaso, sihlawulwe okanye inxenye yaso, sihlawulwe okanye asihlawulwanga ngomhla omiselwe kwingxelo efungelweyo,
 ekukhutshweni nje kwayo kuloo manyathelo nguye nawuphina umntu, kodwa ngokulawulwa ngamalungiselelo ecandelwana (3) iya kuba bubungqina *prima facie* beenyaniso ezibhalwe apho kuyo.
- (3) Umntu ochophele loo manyathelo apho nayiphina ingxelo efungelweyo ekubhekiselwe kuyo kwicandelwana (2) ithe yavezwa njengobungqina, angathi ngokunokwakhe, yaye uya kuthi ngokucelwa lilo naliphina icala kuloo manyathelo anjalo enze ukuba loo mntu uthe wenza loo ngxelo ifungelweyo akhutshelwe isapina ukuba aze kunika ubungqina ngomlomo, okanye enze ukuba imibuzo yeenkcukacha ibhalwe phantsi inikezelwe kuye ukuba ayiphendule, yaye loo mibuzo yeenkcukacha, nayo nayiphina impendulo ngokufunga, ebanga ukuba ivela kuloo mntu, uya kuthi ngokukwanjalo yamkelwe njengobungqina kumanyathelo anjalo.

- (4) Nawuphina umntu othe wazisa uMlawuli-Jikelele kuyo nayiphina ingxelo ekubhekiselelwe kuyo kwicandelo 23 (1) ukuba unomrhumi okanye abarhumi engqeshweni yakhe, aze angamazisi kwakhona uMlawuli-Jikelele ukuba uthe wayeka ukuqesha abarhumi, uya kuthatyathwa ngokungathi ngaphandle kokuba okuchasene noku kungqiniwe, usengumqeshi.
- (5) Kuyo nayiphina imicimbi phantsi kwalo Mthetho, nayiphina ingxelo ebhaliweyo, okanye okubhalwe phantsi okuqulethwe kuyo nayiphina incwadi okanye uxwebhu, okugcinwe nguye nawuphina umqeshi okanye okufunyanwe kuzo naziphina iintendezelezo ahleli kuzo, okanye kuso nasiphina isithuthi esisetyenziswa kushishino lwaloo mqeshi, nayo nayiphina ikopi okanye umphindwa (nokuba kungendlela ye mayikhro-filimu okanye nayiphina enye indlela) wayo nayiphina ingxelo okanye yokubhaliweyo okunjalo, iya kuthi yamkeleke njengobungqina obuchasene naye njengento evuma zonke iinyaniso ezanekwe apho kwelo phepha, ngaphandle kokuba kungqinwe ukuba loo ngxelo ibhaliweyo, okanye elo phepha alizanga libe lenziwe nguloo mqeshi.

Ulwaphulo-mthetho nezigwebo.

48. (1) Nawuphina umntu:—

- (a) othi kwisicelo samalungelo phantsi kwalo Mthetho okanye kwisicelo sentlawulo sesixa-mali ngokwemigaqo yecandelo 31 okanye nakusiphina isaziso okanye ingxelo ekufuneka ukuba inikezelwe phantsi kwalo Mthetho, esazi nje enze okanye abange ukuba kwenziwe ingxelo engenabunyani ngayo nayiphina inkcukacha ebalulekileyo, okanye
- (b) othi ngabom abhale okungeyonyaniso kwikhadi lerekhodi lomrhumi, okanye
- (c) othi ale ukunikezela kumqeshi wakhe ikhadi lerekhodi ngokwemigaqo yecandelo 26 (4), okanye
- (d) othi ngaphandle kwenyaniso azenze umhloli, okanye
- (e) owenza nayiphina ingxelo kumhloli engenabunyani kuzo naziphina iinkcukacha ezibalulekileyo esazi nje ukuba zibubuxoki, okanye
- (f) owalayo okanye othi ale ukuphendula ngolona lwazi lukhulu analo, nakangangoko anakho, nawuphina umbuzo othe wabuzwa kuye ngumhloli ekwenzeni kwakhe imisebenzi yakhe phantsi kwalo Mthetho, okanye
- (g) othi abe okanye angaphumeleli ukuthobela ngokolona lwazi lwakhe lukhulu nangangoko anakho naziphina iimfuneko okanye umyalelo owenziwe ngumhloli ekwenzeni kwakhe imisebenzi yakhe phantsi kwalo Mthetho, okanye
- (h) othi aphazamise umhloli ekwenzeni imisebenzi yakhe, okanye
- (i) othi achasane okanye ale okanye angaphumeleli ukuthobela nawaphina amalungiselelo, okanye
- (j) othi engumqeshi:—
 - (i) asilele ukuthobela nawaphina amalungiselelo ecandelo 22 (3) okanye achase nawaphina amalungiselelo ecandelo 22 (5) okanye
 - (ii) asilele ukuthobela nawaphina amalungiselelo ecandelo 23 okanye
 - (iii) othi ale ukuthobela nawaphina amalungiselelo amacandelo 21, 25 okanye 26 okanye
 - (iv) othi asilele ukuhlawula ngomhla ekumele ukuba ahlawule ngawo nayiphina imirhumo okanye ezinye iintlawulo phantsi kwalo Mthetho,

uya kuba netyala lokwaphula uMthetho aze akufunyaniswa enetyala abe sesichengeni sokuhlawula isohlwayo esingekho ngaphezu kwamakhulu mahlanu eerandi, okanye sovalelo entolongweni ithuba elingekho ngaphezu kweenyanga ezintandathu, okanye zozimbini ezo zohlwayo, esemali nesokuvalwa entolongweni.

- (2) Nakubeni kungakho nto echasayo equkathwe kuwo nawuphina umthetho inkundla kamantyi iya kuba negunya lokugweba nokuwisa isigwebo esimiselwe, okanye ikhuphe nowuphi umyalelo obonelelwe ngulo Mthetho.

ISAHLUKO 10

IMIGAQO

Imigaqo.

49. (1) UMphathiswa angathi enze imimiselo ngokumayela —

- (a) nengcaciso neenkukacha ezifunekayo kumqeshi ngokwemigaqo yamacandelo 21 (1), 23 (1) okanye ngokunxulumene naso nasiphina isicelo phantsi kwamacandelo 28, 29, ne 30;
- (b) nefomu yesicelo samalungelo phantsi kwamacandelo 28, 29 ne 30 nentlawulo yesixa-mali phantsi kwecandelo 31;
- (c) noxilongo ngugqirha lomceli ukwenzela ukuba afumane amalungelo phantsi kwamacandelo 29 ne 30;
- (d) nemali ehlawulwa kugqirha, evela kwingxowa-mali ngokuphathalele kuxilongo ekubhekiselelwe kulo kumhlathi (c);

- (e) nobungqina bamaxwebhu emabunikezelwe ngumrhumi ukwenzela intlawulo yesixa-mali ngokwemigaqo yecandelo 31;
 - (f) nendlela yokuqingqa ngokweenjongo zecandelo 39, ixabiso lokudla okanye iindawo zokuhlala ezikhutshwe ngumqeshi;
 - (g) neerekhodi emazigcinwe ngabaqeshi ngokwemigaqo yecandelo, kubandakanywa indlela nexesha ekuya kuthi ngalo, ingcaciso ekubhekiselelwe kuyo kwicandelwana (2) lelo candelo linikezelwe kuMlawuli-Jikelele;
 - (h) nobume nendlela ekuya kuthi nayiphina ingxelo ekufuneka inikezelwe ngumqeshi phantsi kwalo Mthetho ihanjiswa ngayo;
 - (i) nobume balo naluphina uxwebhu, irekhodi okanye incwadi efunelwa ukuphumeza amalungiselelo alo Mthetho;
 - (j) nokukhutshwa, ukuveliswa kwakhona okanye ukulungiselelwa kwamakhadi eerekhodi abarhumi, nobuyiselo lwamakhadi alahlekileyo;
 - (k) nendlela yokuhlawula amalungelo;
 - (l) nenkqubo emayilandelwe kwisibheni phantsi kwecandelo 20 namagunya ebhodi ngokuphathelwe kwisibheni esinjalo;
 - (m) nokuvuzwa nezibonelelo ezithi zihlawulwe kumalungu ebhodi angengomagosa;
 - (n) nayo yonke imicimbi ngokubanzi ayibona kuyimfuneko okanye kufanelekile, ukuba ayimisele ukwenzela ukuba iinjongo zalo Mthetho zibe nokuphunyezwa.
- (2) Imigaqo eyenziwe phantsi kwecandelwana (1) iya kuthi kwisithuba senyanga enye emva kokuba ipapashiwe, yandlalwe phezu kweTafile yeNdlu yeNdibano yeSizwe nguMphathiswa, ukuba iNdlu yeNdibano yeSizwe ikwiseshoni yayo yesiqhelo, okanye ukuba iNdibano yeSizwe ayikho kwiseshoni yayo yesiqhelo, kwisithuba senyanga enye emva kokuqalisa kweseshoni yayo elandelayo yesiqhelo.
- (3) Ukuba kwenziwe isigqibo yiNdibano yeSizwe esichitha nawuphina umgaqo onjalo loo mgaqo uya kuthi uphelelwe ukususela kumhla oya kube uchazwe kweso sigqibo, yaye kungasayi kubakho mgaqo unjongo ifanayo uya kuthi wenziwe emva koko phantsi kwecandelwana (1) ngaphandle kokuba kuthathelwe ingqalelo imigaqo yeso sigqibo, okanye yaso nasiphina isigqibo esenziwe emva koko esiguqula okanye esihlenga-hlengisa eso sigqibo.

ISIAHLUKO 11

NGOKUBANZI

Ukutshitshiswa kwe-mithetho noqoqosho.

50. (1) Ngokulawulwa ngamalungiselelo amacandelwana (2) ne (3) imithetho ekhankanywe kwiShedyuli ukwenjenje iyatshitshiswa.
- (2) Akukho nto kwicandelwana (1) iya kuthathwa:
- (a) njengechaphazela ukusebenza eCiskei okanye ngokunxulumene neCiskei kwawo nawaphina amalungiselelo awo nawuphina umthetho otshitshisiweyo, kubandakanywa nawaphina amalungiselelo awo nawuphina umthetho onjalo owenziwe yiPalamente yeRiphabliki yoMzantsi Afrika, ngomhla okanye phambi komhla wesi 4 kuDisemba wowe-1981, njengoko ukusetyenziswa okunjalo kungathi kube yimfuneko ukwenzela ukulondoloza nawaphina amalungelo phantsi kwawo nawuphi umthetho onjalo otshitshisiweyo wakhe nawuphina umntu oqeshwe okanye ohlala eCiskei ngomhla okanye phambi komhla oxeliweyo; okanye
 - (b) njengechaphazela amandla okusebenza ayo nayiphina imvumelwano, ekungenwe kuyo ngu-nguRhulumente waseCiskei noRhulumente weRiphabliki yoMzantsi Afrika phantsi kwawo nawaphi amalungiselelo ekuthethwe ngawo ngaphambili nekuthi ngayo abantu abavele eCiskei abangena kwiRiphabliki yoMzantsi Afrika, bathatyathwe ngokungathi bangabarhumi kwi-ngxowa-mali yeinshorensi yokungaqeshwa belo lizwe libizwe mva.
- (3) De abe uMphathiswa wenze imigaqo phantsi kwecandelo 49 lalo Mthetho, imigaqo esebenzayo eCiskei phantsi kwawo nawuphina uMthetho otshitshisiweyo iya kuqhuba ukusebenza apho inokuthi isebenze khona, ingachasananga namalungiselelo alo Mthetho: Phantsi kwento ethi, ngokweenjongo zokusebenza okunjalo nakuphina ukubhekiselela kuloo migaqo kuthethwe ngayo:—
- (a) “kwingxowa-mali” okanye ku “Mphathiswa” kuya kuthathwa ngokulandelelana njengobhekiselelo kwingxowa-mali okanye kuMphathiswa njengoko kuchaziwe kwicandelo 1 lalo Mthetho;
 - (b) kuyo nayiphina ibhodi, iqumrhu okanye umntu osebenzisa nawaphina amagunya okanye izigunyaziso kuya kuthathwa njengobhekiselelo kwibhodi iqumrhu okanye nawuphina umntu osebenzisa amagunya alungeleleneyo eCiskei ngokweenjongo zalo Mthetho.

*Intloko emfutshane
no kuqalisa kwawo.*

51. Lo Mthetho uya kubizwa ngokuba nguMthetho weInshorensi yokuNgaqeshwa, 1983, yaye uya kuqala ukusebenza ngomhla we-1 Meyi 1983.

ISHEDYULI

IMITHETHO ETSHITSHISIWEYO

Inani nonyaka womthetho	Intloko emfutshane
Umthetho 30 wowe-1966	Umthetho weInshorensi yokuNgaqeshwa wowe-1964
Umthetho 27 wowe-1967	Umthetho osisihlomelo weInshorensi yokuNgaqeshwa wowe-1967
Umthetho 87 wowe-1968	Umthetho osisihlomelo weInshorensi yokuNgaqeshwa wowe-1968
Umthetho 61 wowe-1971	Umthetho osisihlomelo weInshorensi yokuNgaqeshwa wowe-1971
Umthetho 12 wowe-1974	Umthetho osisihlomelo weInshorensi yokuNgaqeshwa wowe-1974
Umthetho 51 wowe-1975	Umthetho osisihlomelo weInshorensi yokuNgaqeshwa wowe-1975
Umthetho 108 wowe-1976	Umthetho wesibini osisihlomelo weInshorensi yokuNgaqeshwa wowe-1976
Umthetho 29 wowe-1977	Umthetho weInshorensi yokuNgaqeshwa wowe-1977
Umthetho 118 wowe-1977	Umthetho wesibini osisihlomelo weInshorensi yokuNgaqeshwa wowe-1977
Umthetho 6 wowe-1978	Umthetho weInshorensi yokuNgaqeshwa wowe-1978
Umthetho 9 wowe-1979	Umthetho weInshorensi yokuNgaqeshwa wowe-1979
Umthetho 97 wowe-1979	Umthetho wesibini weInshorensi yokuNgaqeshwa wowe-1979
Umthetho 1 wowe-1981	Umthetho osisihlomelo weInshorensi yokuNgaqeshwa wowe-1981

UNEMPLOYMENT INSURANCE ACT, 1983

ACT

To provide for the establishment of an Unemployment Insurance Fund and for the payment of benefits to certain persons and certain amounts to the dependants of certain deceased persons and to provide for incidental matters.

(English text signed by the President. Assented to on 29 June 1983).

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CHAPTER 1

INTERPRETATION OF TERMS

Definitions.

- 1. In this Act, unless the context otherwise indicates:

"actuary" means a Fellow of an institute, faculty, society or chapter of actuaries approved by the Minister;

"agriculture" means any employment on a farm connected with farming, including horticulture and forestry, irrespective of whether such employment necessitates the employee temporarily leaving the farm in the course of his employment;

"benefits" means the benefits referred to in sections 28, 29 and 30;

"board" means the unemployment insurance board established under section 12;

"business" means any industry, undertaking, trade or occupation, or any activity in which any contributor is employed;

"calendar week" means a period calculated from midnight between Sunday and Monday to midnight between the next succeeding Sunday and Monday;

"Ciskei" means the Republic of Ciskei;

"claims officer" means the person appointed as such under section 19;

"contribution" means the amount payable by an employer, or a contributor, from public funds, in terms of section 22 and "contribute" has a corresponding meaning;

"contributor" means a contributor as defined by section 2 whether employed by an employer or previously so employed as may appear from the context;

"customary union" means a conjugal relationship in accordance with tribal law and custom, where neither partner to such union is a party to a subsisting marriage;

"Director-General" means the Director-General of the department of the Minister and, in relation to the exercise, performance or carrying out of any power, function or duty delegated by the Director-General to an officer of his department in terms of section 40 (2), includes such officer;

"earnings" means earnings as defined in section 3;

"employer" means an employer as defined by section 4;

"financial year" means the period from the first day of April in any year to the thirty-first day of March in the next succeeding year, both days included;

"fixed date" means the date of commencement of this Act;

"fund" means the Unemployment Insurance Fund referred to in section 6;

"Gazette" means the Government Gazette of Ciskei;

"inspector" means the inspector appointed under section 43;

"Minister" means the Minister of State to whom the administration of this Act has been assigned;

"officer" means a person on the fixed establishment of the public service;

"prescribed" means prescribed by regulation;

"public service" means the public service according to the provisions of the Public Service Act, 1981 (Act 2 of 1981);

"regulation" means a regulation made and in force or deemed to have been made and to be in force under this Act;

"seasonal business" means any business declared to be a seasonal business in terms of section 5 (1);

"seasonal worker" means, subject to the provisions of section 5 (2) and (3) a person receiving earnings in a seasonal business who is not a member of the administrative, clerical, technical, office, sales or maintenance staff in that business;

"Supreme Court" means the Supreme Court of Ciskei;

"this Act" includes any regulation;

"trade dispute" means any dispute between employers and persons employed by them or between employees and employees, which is connected with the employment or non-employment or the conditions of employment of any person whether employed by the employer with whom the dispute arises or not;

"Treasury" means the Minister of Finance and Economic Development or any officer in his department acting under his authority;

"week" means any period of seven consecutive days.

*Definition of
"contributor"*

2. (1) Subject to the provisions of subsections (2), (3), (4) and (5), and unless the context otherwise indicates, "contributor" in this Act means any person who has entered into or works under a contract of service or of apprenticeship or learnership, with an employer, whether the contract is expressed or implied, is oral or in writing and whether his earnings are calculated by time or by work done, and includes any such person while temporarily performing work for his employer at a place outside Ciskei, and any person ordinarily resident in Ciskei who has entered into a contract of service to work outside Ciskei, but does not include such person in respect of any week during which owing to absence from work, he is entitled to less than one day's earnings.
- (2) The following persons shall for the purposes of this Act not be regarded as contributors:
 - (a) Persons who enter or have entered Ciskei for the purpose of carrying out a contract of service, apprenticeship or learnership within Ciskei if upon the termination thereof the employer is required by law or by contract of service, apprenticeship or learnership, as the case may be, or by any other agreement or undertaking, to repatriate that person or that person is so required to leave Ciskei (but subject, in each case, to any agreement contemplated in subsection (5)); or
 - (b) persons whose rate of earnings calculated in the manner set out in section 39 exceeds fifteen thousand six hundred rand a year or such other amount as the President may on the recommendation of the board, from time to time determine, by proclamation in the Gazette with effect from a date specified in such proclamation; or

- (c) persons employed casually and not for the purpose of the employer's business; or
 - (d) persons whose earnings consist solely of a share in taking or are calculated purely on a commission basis; or
 - (e) persons to whom articles or materials are given out by an employer to be made up, finished, adapted for sale or otherwise worked with at a place not under the control of the employer; or
 - (f) persons employed by an employer for less than one full working day or less than eight hours, whichever is the lesser, in any one calendar week; or
 - (g) domestic servants employed as such in private households; or
 - (h) the husband or wife of an employer when working for such employer; or
 - (i) persons employed in agriculture save persons employed exclusively or mainly in forestry; or
 - (j) persons who are officers as defined in section 1 of the Public Service Act, 1981 (Act 2 of 1981); or
 - (k) persons in Ciskei who are, in terms of section 5 of the Railways and Harbours Service Act, 1960, (Act 22 of 1960) of the Republic of South Africa, in the permanent employment of the South African Transport Services; or
 - (l) officers of the National Assembly other than an officer as defined in section 1 or
 - (m) seasonal workers.
- (3) Where a person is employed by two or more employers, that person shall for the purposes of this Act be regarded as a contributor only in respect of that employment which in the opinion of the Director-General constitutes his normal employment and the Director-General may, in coming to a decision under this subsection, have regard, in addition to any other circumstances to the amount of the earnings received from the respective employers.
- (4) (a) The Minister may, subject to the provisions of paragraphs (b) (c) and after consultation with the board, by notice in the *Gazette* declare that as from a date specified in the notice any specified class of persons shall for the purposes of this Act not be regarded as contributors
- (b) Before publishing a notice under paragraph (a), the Minister shall cause to be published in the *Gazette* and in a newspaper or newspapers circulating in the area or areas concerned provisional notice setting forth the purport of the notice he proposes to publish under paragraph (a) and calling upon all interested persons who have any objections to the proposed notice or the proposed provisions thereof, to submit such objections in writing to the Director-General within a specified period which period shall not less than thirty days from the date of the publication of the provisional notice.
- (c) No notice shall be published under paragraph (a) which differs in any material respect from the provisional notice published in terms of paragraph (b)
- (d) The Minister may in like manner amend or withdraw any notice published under paragraph (a)
- (5) Notwithstanding the provisions of subsection (2) (a) and except in so far as the Minister may with reference to any provision of this Act provide otherwise persons referred to in that subsection who enter Ciskei from any other state and in respect of whom the Government of Ciskei and government of that other state agree that they shall be regarded as contributors shall for the purposes of the Act be regarded as contributors.

**Definition of
"earnings"**

3. (1) In this Act, unless the context otherwise indicates, "earnings" means any payment in money or in kind or both in money and in kind made or owing to any person, which arises in any manner whatsoever out of employment but does not include:-
- (a) the value of the training which a person is entitled to receive under a contract of apprenticeship or learnership;
 - (b) any amount received by way of commission, or as a share in takings;
 - (c) any additional payment based on the quantity or output or work done, except an amount guaranteed by law or otherwise to be a minimum remuneration;
 - (d) any remuneration for overtime; or
 - (e) any special payment, special bonus or special allowance, unless the Minister after consultation with the board, either generally in respect of any contributor or class of contributor, determines otherwise.

*Definition of
"employer"*

- (2) The Minister may, after consultation with the board, withdraw or amend any determination made in terms of sub-section (1) (e).
4. (1) Subject to the provisions of this section and unless the context otherwise indicates, "employer" in this Act:-
- (a) means a person who employs a contributor
 - (b) includes the State and any person controlling the business of any employer; and
 - (c) further includes the employer of any person who, by virtue of an agreement contemplated in section 2 (5), is deemed to be a contributor
- (2) If the services of a contributor are temporarily lent or hired out by his employer to another person, such employer shall be deemed to continue to be the employer of that contributor while he is working for that other person.
- (3) In respect of a contributor employed by a club or an association of persons, the members of the managing committee, the secretary or other responsible officer of the association or club shall be deemed to be the employer.
- (4) For the purposes of the giving or receiving of statements, notices or other documents under this Act, the term "employer" shall include the manager, secretary, accountant, treasurer, trustee, executor, liquidator or duly authorized agent of an employer.

Seasonal Employment

5. (1) (a) If in the opinion of the Minister, work is available to a substantial number of persons employed in any business or any class or kind of business in any area, for not more than eight months in one year by reason of the seasonal variation in the supply of raw materials or other natural product required by such business or class or kind of business, he may, after consultation with the board, by notice in the *Gazette* declare such business or class or kind of business to be a seasonal business.
- (b) The Minister may in like manner amend or withdraw any declaration made under paragraph (a).
- (2) Any person who has been a seasonal worker for a continuous period of eight months in the employment of the same person, ceases to be a seasonal worker if he remains in the employment of that person after the expiry of the said period.
- (3) If any contributor was employed by any person in any business on the day immediately prior to the date on which such business becomes a seasonal business, such contributor shall, while he remains in the employment of such person, not become a seasonal worker merely by reason of his employment in such business.

CHAPTER 2

UNEMPLOYMENT INSURANCE FUND

*Establishment of
Unemployment In-
surance Fund.*

6. (1) There is hereby established as from the fixed date a fund to be known as the Unemployment Insurance Fund, which shall consist of:-
- (a) the contributions of employers and contributors in terms of section 22 (1);
 - (b) any contributions of the Minister from the Ciskeian Revenue Fund and in terms of section 22 (2);
 - (c) any moneys paid as penalties under this Act;
 - (d) any interest from investments of the fund;
 - (e) any moneys advanced to the fund in terms of section 9;
 - (f) any amount paid erroneously to the fund and which, in the opinion of the Director-General, cannot be refunded;
 - (g) any other sums to which the fund may become entitled or which may be received from any source whatsoever for the benefit of the fund.

Application of fund.

7. The fund shall, subject to the provisions of this Act, be under the control of the Director-General and its moneys shall be applied by him to :-
- (a) the payment of benefits;

- (b) the payment of any amounts payable in terms of section 31;
- (c) the reimbursement of the Ciskeian Revenue Fund with the amount determined as provided in section 10;
- (d) the payment of any prescribed allowances to members of the board;
- (e) the repayment of any advances made to the fund in terms of section 9;
- (f) the payment of any other expenditure incurred by the Director-General in the administration of this Act, including the expenses referred to in section 38;
- (g) the payment to the government concerned, in respect of the persons contemplated in section 2 (5) in such manner and at such times as may be agreed upon between such government and the Government of Ciskei, of an amount equal to the contributions to the fund by such persons and by their employers in respect of them.

Investment of moneys of fund. 8. (1) The moneys of the fund other than such moneys as may be required to meet current expenditure incurred in connection with the administration of this Act, shall be invested at interest in such manner as the Treasury shall determine, with any commercial bank registered or deemed to be registered under the Banks Act, 1965 (Act 23 of 1965) or with any other financial institution established and conducting business in accordance with the laws relating to financial institutions, in an account to be known as the "Ciskeian Unemployment Insurance Fund Account".

(2) Any profit on the realization of investments shall accrue, to and any loss on such realization shall be borne by, the fund.

Advances to the fund from public moneys. 9. (1) The Minister may, out of moneys appropriated by the National Assembly for the purpose and subject to such conditions as the Treasury may impose (including conditions as to interest and repayment), at any time advance to the fund such moneys required to defray any expenditure incurred in connection with the administration of this Act, including the payment of benefits in terms thereof and amounts payable in terms of section 31, as the Minister may determine in consultation with the Treasury.

(2) The moneys so advanced and the interest thereon shall be a charge upon the fund.

Expenditure of the fund. 10. (1) The Director-General shall as soon as practicable after the end of every financial year, in consultation with the Treasury, determine the value of the services rendered to the fund by any department of State during that financial year and shall reimburse the Ciskeian Revenue Fund with the amount so determined.

(2) All other expenditure necessary incurred in connection with the administration of this Act, including expenditure in connection with the performance of the functions of the board, shall be defrayed from the fund.

Accounts and audit of the fund. 11. (1) The Director-General shall cause full and true accounts of the fund to be kept.

(2) The Director-General shall cause the books and accounts of the fund to be balanced as at the thirty-first day of March in every year and shall thereafter prepare, for submission with the report referred to in section 42, a statement showing in all necessary detail the income and expenditure of the fund during the preceding financial year and a balance sheet showing the assets and liabilities of the fund.

(3) The accounts of the fund shall be audited by the Auditor-General.

CHAPTER 3 UNEMPLOYMENT INSURANCE BOARD

Establishment and constitution of unemployment insurance fund. 12. (1) There is hereby established a body to be known as the Unemployment Insurance Board, which shall consist of an officer designated by the Minister for that purpose, who shall be chairman, and of not less than four and not more than eight other members who shall be appointed by the Minister and of whom:—

- (a) one-half shall represent the interests of employer and shall be appointed by the Minister from a list of persons nominated by anybody or organization which in the opinion of the Minister is representative of employer or, if there is no such body or organization, from a list of persons nominated by the Director-General as being persons who are qualified to represent the interests of employers; and

- (b) one-half shall represent the interests of contributors and shall be appointed by the Minister from a list of persons nominated by the Director-General as being persons who are qualified to represent such interests.
- (2) The Minister may in like manner appoint such number of alternate to the members appointed under subsection (1) as he may deem fit.
- (3) (a) The Minister may designate an officer in his department as deputy-chairman of the board,
(b) The deputy-chairman shall act as chairman at any meeting of the board from which the chairman is absent.
(c) If the chairman and the deputy-chairman are at the same time unable to attend a meeting of the board, the members who are present at the meeting may elect from amongst themselves a person to act at that meeting as chairman.
- (4) The members of the board shall hold office during such period not exceeding three years as may be specified by the Minister upon their appointment.
- (5) Any casual vacancy that occurs on the board shall be filled by the appointment of another member or alternate, as the case may be, in accordance with the provisions of subsection (1).
- (6) Members and alternates whose periods of office have expired shall be eligible for appointment.
- (7) A member of the board shall vacate his office if he is absent without the permission of the board from three consecutive ordinary meetings of the board of which he has been notified.
- (8) The Minister may, of his own initiative or after consultation with or at the request of the Director-General at any time cancel the appointment of any member or alternate member of the board if in his opinion there are good grounds for doing so.
- (9) (a) The chairman or the deputy-chairman shall not have a deliberative vote but, in the event of an equality of votes, he shall have a casting vote.
(b) An acting chairman shall have a deliberative vote only.
- (10) No decision or act of the board or act performed under the authority of the board shall be invalid by reason only of the existence of a vacancy on the board at the time when the decision is made or the act is performed.
- (11) The Minister may assign to the board an officer in his department as secretary of the board and such other officers or employees in his department as may be necessary to enable the board to carry out its functions.

Functions of the board.

- 13. Subject to the provisions of this Act, the functions of the board shall be as follows:—
 - (a) It shall investigate the incidence and the causes of unemployment and enquire into matters connected with or likely to affect employment and make recommendations to the Minister which have as their object the prevention or reduction of unemployment;
 - (b) it may enquire into any aspect of the administration of the fund which has a bearing on its functions or any other matter connected with the fund and may make recommendations thereon to the Minister;
 - (c) it shall hear and determine appeals against decisions of the claims officer made to it in terms of section 20;
 - (d) it shall determine the benefits, if any, to be paid in terms of section 28 (14) or 29 (8);
 - (e) it shall keep statistics and records of the incidence of unemployment;
 - (f) it shall furnish the Director-General before the thirtieth day of April in each year or as soon as practicable thereafter, with a report on its activities during the preceding financial year, and such other information as the Director-General may require in respect of that year;
 - (g) it shall make such other investigations as the Minister may direct or perform such other functions as may be assigned to it by or under this Act or by the Minister.

Meetings of the board.

- 14. (1) The first meeting of the board shall be held at a time and place to be determined by the Minister.
- (2) All subsequent meetings of the board shall be held at such times and places as the board may from time to time determine : Provided that the chairman, or during his absence the deputy-chairman,

may at any time call a special meeting of the board, to be held at a time and place appointed by him.

- (3) Any person nominated by the Minister for the purpose may after any meeting of the board and may take part in the proceedings of any such meeting but shall not be entitled to vote.
- (4) Minutes of the proceedings at every meeting of the board shall be kept by the secretary of the board.
- (5) The minutes of a meeting shall be submitted to the next ensuing meeting and shall, if they are passed as correct, be signed by the chairman presiding at that meeting.

Rules of the board.

15. The board may, subject to the approval of the Minister, make rules as to:—
 - (a) the admittance to meetings of the board of person other than those entitled under this Act to be present thereat;
 - (b) the quorum at any such meeting, the procedure to be followed if there is no quorum, and the majority of votes by which a decision of the board shall be taken;
 - (c) the circumstances in which an alternate may sit as a member of the board;
 - (d) the procedure at meetings of the board including the procedure to be followed in the event of an equality of votes;
 - (e) such other matters as may be necessary or expedient for the proper functioning of the board.

Board may state case for supreme court.

16. (1) The Board may, of its own motion, and shall at the request of any person who considers himself aggrieved by its decision if that person makes such request within ninety days after the date on which he is notified of the decision, state a special case on any question of law in connection with any matter referred to it for decision in terms of section 20 or in relation to any other matter arising under this Act, for the decision of the Supreme Court.
- (2) In stating any such case the board shall set forth the facts of the matter and its view of the law which it has adopted in relation to those facts.
- (3) Whenever any person has requested the board to state a special case for the decision of the Supreme Court in terms of subsection (1), the court may, at its discretion, make such order as to costs as may appear to it to be just, but when the board has of its own motion stated a special case as aforesaid, the court shall make no order as to costs.

Indemnification of members of board.

17. The members of the board shall, provided they have acted *bona fide*, be indemnified by the fund against all proceedings, costs and expenses incurred by reason of any claim in connection with the fund.

Allowances to members of board.

18. The members of the board who are not officers may, out of the money of the fund, receive such remuneration or allowances in respect of their services as may be prescribed.

CHAPTER 4 CLAIMS OFFICER

Claims officer.

19. (1) The Director-General shall from time to time, as occasion may require in writing appoint an officer or employee of his department as claims officer.
- (2) The claims officer shall:—
 - (a) consider all applications for benefits made in terms of section 28, 29 and 30, and for any amount payable in terms of section 31;
 - (b) after enquiry determine whether any application for benefits or subject to the provisions of section 31 (4) (b) and (c), an amount payable in terms of section 31, shall be granted and, if so, what benefits or amount shall be paid;
 - (c) authorize the payment from the Fund of the benefits granted and subject to the provisions of section 31 (4) (b) and (c), any amount payable in terms of section 31.
- (3) The Director-General, may designate any officer or employee of the State to assist the claims officer and any officer or employee so designated shall exercise such powers and carry out such duties as may from time to time be assigned to him in writing by the claims officer.
- (4) The claims officer may with the prior approval of the Director-General delegate any power confer-

red upon him by this Act to any officer or employee designated to assist him in terms of subsection (3) and any decision taken by such officer or employee under the powers so delegated to him shall, for the purposes of this Act, be deemed to be the decision of the claims officer.

*Appeal to board
against decision of
claims officer.*

20. (1) Any person aggrieved by a decision of the claims officer:—
- (a) in regard to any application for benefits or payment of an amount in terms of section 31; or
 - (b) concerning other matters arising out of provisions of this Act, may appeal to the board, provided such appeal is lodged in writing within thirty days after the date on which he is notified of the decision or within such further period as the board may allow.
- (2) The decision of the board on any appeal shall for the purposes of this Act be deemed to be the decision of the claims officer.

CHAPTER 5

REGISTRATION AND DUTIES OF, AND PAYMENT OF CONTRIBUTIONS BY EMPLOYERS.

*Employers to notify
Director-General of
commencement of
business, etc..*

21. (1) Every employer carrying on business in Ciskei shall, within fourteen days of the date on which he commenced business, in the prescribed manner furnish the Director-General with the prescribed particulars of his business, and every such employer shall within the period fixed by the Director-General, furnish him with such additional particulars as he may from time to time require. Every such employer shall forthwith inform the Director-General of any change in the particulars so furnished.
- (2) Every person not resident in Ciskei who, and every corporate body not registered or deemed to be registered in Ciskei under the law relating to companies which, carries on business in Ciskei and in connection therewith employs a contributor shall notify the Director-General of the address of his or its chief office and the name of his or its chief officer in Ciskei, and such officer shall for all purposes be deemed to be duly authorized and shall be obliged to carry out the duties of an employer as prescribed by this Act and to accept service of any document, issued under this Act, which affects such person or body.
- (3) Every employer shall within one month of the date on which he commenced business and from time to time at such times as may be prescribed, in the prescribed manner furnish the Director-General with such particulars relative to contributors in his employ as may be prescribed.

*Contributions by
employers and con-
tributors and from
public funds.*

22. (1) Every employer shall at the time prescribed in subsection (3) pay to the fund in the manner prescribed by this Act an amount equal to 0,8 per cent of the earnings paid to all contributors employed by him during the calendar month in respect of which such payment is due, of which percentage 0,3 per cent shall be the contribution to the fund which such employer shall make and 0,5 per cent shall be the contribution to the fund which each such contributor shall make : Provided that, for the purpose of reimbursing himself, such employer may, weekly or monthly or at such other time as the Director-General may approve, deduct from the earnings of each contributor an amount equal to the amount paid to the fund on behalf of that contributor : Provided further that not more than one week's contributions shall be deducted in any week from the earnings of a contributor who is paid weekly and not more than one month's contributions from a contributor who is paid monthly.
- (2) The Minister shall contribute to the fund, from moneys appropriated by the National Assembly for the purpose, an amount equal to twenty-five per cent of the total amount of the contributions paid to the Fund in terms of this section by employers in respect of themselves and the contributors employed by them, and such amount shall be paid to the fund at such times and in such manner as the Minister may determine in consultation with the Treasury.
- (3) An employer liable to make payment to the Fund in terms of subsection (1) shall, within ten days after the expiration of every quarter terminating, respectively on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September and the thirty-first day of December or if he ceases to be an employer during any quarter, within ten days after ceasing to be an employer, or within such further period as the Director-General may allow, pay to the Director-General in respect of that quarter or relevant portion of that quarter, as the case may be, all contributions due to the fund in respect of himself and the contributors employed by him during that quarter or that portion of that quarter.

- (4) (a) When a contributor is for any reason absent from work during any week and is, as a result of such absence, entitled to less than one day's earnings in respect of that week, that week shall for the purposes of this Act, not be regarded as a period of employment and no contributions shall be payable in respect of that contributor for that week.
- (b) When a contributor is for any reason absent from work during a portion of any week and is entitled to at least one day's earnings in respect of that week, that week shall for the purposes of this Act be regarded as a period of employment and contributions for that week shall be payable at the full rate in respect of that contributor's normal weekly earnings.
- (5) An employer shall not, in respect of the contributions due to the fund by a contributor in his employment, deduct from the earnings of that contributor an amount in excess of the amount prescribed by this Act, nor receive from the contributor any consideration in respect of the employer's own contribution.
- (6) (a) An employer, who is convicted of a contravention of subsection (5), shall, in addition to any penalty that may be imposed upon him, be ordered by the court convicting him, to refund to the contributor concerned, or if the whereabouts of that contributor are unknown, to pay refund, within such time as the court may direct, any amount deducted or consideration received in contravention of that subsection;
- (b) Any such order of the court shall have all the effects of, and may be executed as if it were a civil judgement of that court.
- (7) Whenever any contribution is due by any person to the fund and the Director-General is in respect of any amount of such contribution of the opinion that it cannot or should not, under the circumstances of the case, be recovered, he may direct that such amount be written off.
- (8) (a) No contributions or other payments due to the fund under this Act by an employer shall be recoverable after the expiration of three years after such contributions or other payments become due to the fund.
- (b) No contributions or other payments purporting to have been paid to the fund under this Act by the employer shall be recoverable after the expiration of three years after such contributions or other payments were so paid.

*Statements to be
furnished by employer.*

- 23. (1) Every employer liable to make payment to the fund in terms of section 22 shall, within ten days after the end of every quarter or if he ceases to be an employer during any quarter, within ten days after so ceasing to be an employer or within such further period as the Director-General may allow transmit to the Director-General, together with the amount of the contributions he is required to pay in terms of section 22 (3), a statement in the prescribed form containing such particulars in respect of that quarter or the relevant portion of that quarter as the case may be, as may be prescribed.
- (2) If an employer carries on business in more than one place or carries on more than one class of business he shall, unless otherwise authorized thereto by the Director-General, transmit a separate statement in respect of each place or class of business.

*Failure to pay contributions or other
moneys.*

- 24. (1) If the amount of any contributions or any other payment is not paid by an employer at the time when it becomes payable, the Director-General may, at his discretion, impose upon and recover from the employer a penalty, determined either generally or specially, not exceeding ten per cent of the amount unpaid, or one rand, whichever is the greater : Provided that the Director-General may, at his discretion waive any such penalty in whole or in part.
- (2) Whenever an employer has been convicted of an offence under section 48 (1) (j) (i) or (iv) the court convicting him shall enquire into and determine the amount unpaid and shall order him to pay that amount to the Director-General within a period fixed by the court.
- (3) An order made under subsection (2) shall have all the effects of, and may be executed as if it were, a civil judgement in favour of the Director-General.
- (4) If an employer fails to transmit to the Director-General within the prescribed period any statement information or particulars prescribed under section 23 or under any regulation relating to information or particulars to be furnished by an employer liable to contribute to the fund under this Act, the Director-General may determine the amount payable to the fund by the employer, and the amount so determined shall, where no order has been made by a court in terms of subsection (2), be deemed to be the amount due to the fund by that employer for the purpose of determining a

penalty imposable under this Act or of fixing the amount of a claim to be lodged against a deceased or insolvent estate or against a company in liquidation.

- (5) If an employer tenders to the Director-General in respect of any quarter an amount which is less than the amount which that employer is in terms of section 22 (3) required to pay in respect of that quarter, the Director-General may accept pay to the fund within such time as the Director-General may determine, the difference between the amount tendered and the amount payable, as determined by the Director-General, and may in addition at his discretion require that employer to pay to the fund as a penalty such amount, not exceeding the difference between the amount tendered and the amount payable by that employer, as the Director-General may determine, or he may waive any such penalty in whole or in part.
- (6) (a) An employer aggrieved by the imposition upon him of a penalty under subsection (5) may appeal to the Minister against such penalty, provided the appeal is lodged in writing within fourteen days after the date on which the employer concerned is notified of the imposition of that penalty.
(b) The Minister may, on any such appeal:—
 - (i) waive the penalty imposed by the Director-General in whole or in part; or
 - (ii) increase the penalty to an amount not exceeding twice the maximum amount specified in the said subsection (5); or
 - (iii) dismiss the appeal.

Employers to keep records.

25. (1) Every employer shall keep in respect of every contributor employed by him, records of earnings paid, time worked and payment made for piecework or overtime and of any such other particulars as may be prescribed, and shall retain any such record (or a microfilm or other microfilm reproduction thereof) for a period of three years after the date on which the said record is made.
- (2) An employer shall furnish the Director-General with the information referred to in subsection (1) in such form and at such times as may be prescribed.
- (3) An employer shall at all reasonable times and on demand produce to any inspector for his inspection the records (or reproduction thereof) referred to in subsection (1).
- (4) Records kept under any law which contain the particulars required under subsection (1) shall be deemed to be records prescribed by that subsection in respect of the persons to whom such record relate.

Contributor's record cards.

26. (1) The Director-General shall issue to every employer a record card in the prescribed form and manner in respect of every contributor employed by such employer.
- (2) Every employer shall in respect of every contributor employed by him retain in his possession every record card issued to him in terms of subsection (1) or delivered to him in terms of subsection (4), until such times as the services of the contributor concerned are terminated by him, and upon such termination of the services of such contributor the employer and the contributor concerned shall complete the relevant portions of the record card and thereafter the employer shall deliver it to the contributor concerned.
- (3) Notwithstanding the provisions of subsection (2), the employer of a contributor, who is in terms of section 29 (1) or 30 (5) deemed to be unemployed and who has applied for benefits, shall, at the request of the claims officer, forthwith forward to that officer the record card of that contributor, together with a statement containing such information and particulars in respect of the contributor as may be prescribed.
- (4) A contributor shall retain in his possession the record card delivered to him in terms of subsection (2) until he is required by the claims officer to deliver it to that officer when he applies for benefits in terms of section 28, 29 or 30 or until he is again employed and becomes a contributor when he shall deliver it to his new employer.

CHAPTER 6

PAYMENT OF BENEFITS AND ALLOWANCES

Payment of benefits to contributors.

27. (1) Whenever a contributor becomes unemployed after the fixed date such contributor shall, subject to the provisions of this Act, be entitled to receive out of the fund:—
 - (a) unemployment benefits in terms of section 28; or

- (b) illness benefits in terms of section 29; or
 - (c) maternity benefits in terms of section 30.
- (2) (a) The benefits payable to a contributor during any period of unemployment shall be calculated at the rate of 45 per cent of the normal weekly earnings at which he was last employed as a contributor
- (b) If a claims officer is satisfied that a contributor has been employed at different rates of earnings as a contributor and that he has not been employed for more than thirteen weeks at the rate of earnings at which he was last employed as a contributor, or whenever there is a dispute as to the normal rate of earnings at which a contributor was last employed, the claims officer may determine that benefits be paid, in respect of the rate of earnings at which he considers the contributor is or was at any time normally employed or, if in his opinion the contributor cannot be held to have been normally employed at any particular rate of earnings, then on such basis as he considers equitable in the circumstances.
- (3) The amount of any benefits to which a contributor may become entitled shall be calculated in respect of a calendar week, and the amount of the benefits in respect of any period less than one calendar week shall be calculated on the basis of seven working days in any calendar week, a short working day counting as a full working day.
- (4) The benefits that may be paid to a contributor shall not exceed one week's benefits for each completed six week's employment as a contributor on or after the fixed date.
- (5) Subject to the provisions of sections 28 (14) and 29 (8), a contributor shall not be entitled to receive benefits for more than twenty-six weeks in any period of fifty-two consecutive weeks.
- (6) (a) A contributor who loses his employment and who receives from his last employer wages in lieu of a period of notice, shall be deemed to have been employed during that period.
- (b) A contributor shall not be regarded to be unemployed during any period in which he is undergoing training for employment under any scheme.
- (7) A person shall be deemed not to be a contributor for the purposes of section 22 or not to be in employment as a contributor for the purposes of subsection (4) of this section during any period in respect of which he is paid benefits under this Act.
- (8) A contributor who is employed inside Ciskei shall not be entitled to benefits in respect of any period during which he is outside Ciskei and a contributor who is employed outside Ciskei shall not be entitled to benefits in respect of any period during which he renders outside Ciskei.

*Conditions relating
to unemployment
benefits.*

28. (1) Subject to the provisions of this Act, a contributor who is unemployed shall be entitled to receive out of the fund during the period of his unemployment the unemployment benefits prescribed by section 27
- (2) Application for unemployment benefits under this section shall be made to the claims officer by a contributor in the prescribed form.
- (3) The claims officer shall investigate the claim to unemployment benefits of the applicant and, if he is satisfied that the applicant is entitled thereto, he shall admit the claim and authorize the payment of the benefits prescribed by section 27.
- (4) The applicant shall submit to the claims officer such proof as the claims officer may require of his continuous unemployment during any period in respect of which he claims unemployment benefits.
- (5) (a) Every person, who applies for or who is in receipt of unemployment benefits, shall satisfy the claims officer that he is unable to obtain suitable work and shall for that purpose report and attend at such places and at such times as the claims officer may determine.
- (b) The provisions of paragraph (a) shall also apply with reference to a contributor who is not entitled to benefits in terms of paragraph (e) or (f) of subsection (13) and it shall be competent for the claims officer to extend the period during which a contributor shall not be entitled to receive benefits by a period equal to the period during which such contributor failed to comply with the provisions of paragraph (a).
- (6) When any person applies for unemployment benefits, the claims officer may require him to submit proof to the satisfaction of the claims officer that he is, or has been, actively seeking work.

- (7) (a) A period of unemployment shall not be deemed to have commenced until the contributor has lodged an application in accordance with subsection (2) with the claims officer.
- (b) If, in the opinion of the claims officer, any delay in lodging an application was caused by circumstances beyond the control of the contributor, the claims officer may determine a date within the period of the delay as the date on which the period of unemployment shall be deemed to have commenced.
- (8) Whenever in the opinion of the claims officer the number of occasions on which, or the periods during which, a contributor became or remained unemployed are excessive when compared to the position obtaining with reference to other contributors performing work of a nature similar to that normally performed by such contributor, the claims officer may, in the case of the contributor in question and for such period as he may determine, either authorize the payment of benefits at a reduced rate or refuse the payment of unemployment benefits, as he may deem fit.
- (9) If in any business there is, in pursuance of any holiday scheme, a stoppage of work for any period (in this subsection referred to as the holiday period), a contributor, whose last employment prior to the commencement of the holiday period was in such business, shall be regarded as not being unemployed during that period unless he satisfies the claims officer that he is not unemployed solely by reason of the holiday period.
- (10) Whenever in any calendar week in respect of which unemployment benefits are payable to a contributor, that contributor undertakes remunerative work, (including work done on a commission basis) of a nature not ordinarily undertaken by him, or to an extent not ordinarily undertaken by him, and which in the opinion of the claims officer reduces or is likely to reduce the work which would otherwise be available to contributors, the amount of unemployment benefits payable to that contributor in respect of such a calendar week shall be reduced by an amount equal to the amount by which the aggregate of the unemployment benefits payable to him and the remuneration received by him during that week in respect of such remunerative work, as determined by the claims officer, exceeds the normal weekly earnings received from his last employer.
- (11) If a contributor, who is employed by two or more employers, loses the employment in respect of which he is in terms of section 2 (3) regarded as a contributor for the purposes of this Act, he shall notwithstanding that he continues in the employment of the other employer or employers, as the case may be, be entitled to unemployment benefits, but the amount of unemployment benefits payable to him in respect of any calendar week shall be reduced by an amount equal to the amount by which the aggregate of the unemployment benefits payable to him and the earnings received by him in respect of that week from the employer or employers by whom he continues to be employed, exceeds his normal weekly earnings in respect of his normal employment as determined by the Director-General in terms of section 2 (3).
- (12) The period in respect of which unemployment benefits are paid at reduced rates in any calendar week in terms of subsection (11) shall, for the purposes of subsection (4) and (5) of section 27, be regarded as a period in that calendar week bearing the same proportion to the first-mentioned period as the total amount of unemployment benefits paid in respect of that period bears to the total amount which would have been paid had the contributor received unemployment benefits at the full rates in respect of the first-mentioned period.
- (13) Subject to the provisions of this Act, a contributor shall not be entitled to unemployment benefits:—
 - (a) unless he has been employed as a contributor or otherwise in employment for at least eighteen weeks, whether for a continuous period or not, during the fifty-two weeks immediately preceding the date upon which a period of unemployment is deemed to have commenced;
 - (b) for the first week of unemployment unless the commencement of such period of unemployment occurs within nine weeks of any previous period of unemployment : Provided that if the unemployment continues into the second week, a contributor shall in respect of the first week of unemployment, the commencement of that period of unemployment does not occur within nine weeks of a previous period of unemployment, receive unemployment benefits in respect of the same number of days during that week as the number of days on which he is unemployed during the second week;
 - (c) unless he is capable of and available for work : Provided that if he becomes ill whilst in receipt of unemployment benefits he shall be deemed to be capable of and available for work if the claims officer is satisfied that such illness is not likely to have prejudiced his chance of securing employment;

- (d) if he is unemployed by reason of a stoppage of work due to a trade dispute in the industry in which he was employed or in any other industry, so long as the stoppage of work becomes unemployed after becoming *bona fide* employed elsewhere in suitable work, or unless he satisfies the claims officer that:—
 - (i) he was at no time a party to the dispute and had no direct interest in the subject-matter of the dispute;
 - (ii) no person who was employed at the contributor's place of employment in an occupation similar to the occupation in which the contributor was employed, has at any time been such a party nor so interested in the subject-matter of the dispute;
 - (e) for a period of six weeks from the date upon which he became unemployed, if in the opinion of the claims officer concerned he lost his employment through his own misconduct or voluntarily left his employment without just cause : Provided that if in any particular case the claims officer considers that, owing to special circumstances, the exclusion from unemployment benefits for such period would be inequitable, he may reduce such period;
 - (f) for a period of thirteen weeks, or such lesser period as the claims officer may determine, from the date on which such contributor refuses to accept or to apply for suitable work notified to him or of which he may have become aware, or on which he does not comply with any specific reasonable direction given to him by or on behalf of the claims officer with a view to helping him to obtain work, or on which he presents or offers himself for work in a condition or manner which, in the opinion of the claims officer, is likely to preclude him from obtaining employment;
 - (g) if he fails to comply with any provision of any law relating to unemployment, while such default continues;
 - (h) unless he complies with the provisions of subsections (4) (5) and (6);
 - (i) in respect of any period during which there is for any reason a temporary reduction in the number of hours, days or weeks ordinarily worked in the business in which he is employed, unless his contract of service or apprenticeship or learnership with his employer has been terminated.
- (14) Notwithstanding the provisions of section 27 (5), but subject to the provisions of subsection (13) (a) of this section, the board may at its discretion, on an application made in the prescribed form and manner, authorize the payment of further benefits to any contributor or any class of contributor at either full rate or such reduced rate and for such period as it may deem fit.
- (15) For the purposes of this section the expression "suitable work":—
- (a) in relation to a contributor whose normal rate of earning does not exceed seven hundred and eighty rand a year, means any work, including work in agriculture and work as a domestic servant in a private household, which the contributor concerned is, in the opinion of the claims officer, physically capable of performing and the acceptance of which will not, in the opinion of the claims officer, cause the contributor concerned undue hardship, and in respect of which the weekly earnings are not less than the weekly unemployment benefits which would be payable to such contributor if he is unemployed; and
 - (b) in relation to a contributor whose normal rate of earnings exceeds seven hundred and eighty rand a year, means, for the first thirteen weeks of unemployment, work which the contributor concerned is, in the opinion of the claims officer, capable of performing and the acceptance of which will not, in the opinion of the claims officer, cause the contributor concerned undue hardship, and which is, unless in the opinion of the claims officer the contributor is not capable of undertaking the work in which he has been ordinarily employed, work of a similar class and remunerated at a rate of earnings of not less than seventy-five per cent of the remuneration payable in respect of the work wherein the contributor concerned is ordinarily employed or any work remunerated at a higher rate of earnings, and thereafter any work deemed suitable by the claims officer,

but does not include employment in a situation which has become vacant in consequence of a stoppage of work referred to in subsection (13) (d).

Conditions relating to illness benefits.

29. (1) (a) Subject to the provisions of section 27 and of this section and of any applicable regulation made under section 49, illness benefits may be paid to a contributor who is unemployed and who is unable to perform work on account of illness specified in a notice under subsection (2) of this section.

- (b) A contributor whose services have not been terminated but who is not in receipt of any earnings or who receives from his employer less than one-third of his normal earnings and who is unable, on account of the illness in question, to perform his normal work, shall for the purposes of paragraph (a) be deemed to be unemployed.
- (2) The Minister may, after consultation with the Minister of Health and Social Welfare and the board, by notice in the *Gazette* specify the illness in respect of which and, if he deems it expedient, the circumstances under which, an illness benefit under subsection (1) may be paid, and may in like manner amend or withdraw any such notice, and the Minister may, when specifying the circumstances under which a benefit may be paid in respect of any illness, apply any method of differentiation based on the type of illness or the treatment thereof or any other such method.
- (3) (a) Application for illness benefits shall be made by a contributor to the claims officer in the prescribed form.
(b) If the claims officer is satisfied that a contributor is unable to make the application personally he may authorize such other person as he may deem fit to make the application on behalf of the contributor.
- (4) The claims officer shall investigate the applicant's claim to illness benefits and, if satisfied that he is entitled thereto, admit the claim and authorize benefits as prescribed in section 27.
- (5) A contributor shall not be entitled to illness benefits:—
 - (a) for the first two weeks of unemployment : Provided that if unemployment continues after the second week, the contributor may in respect of the first two weeks of unemployment be paid illness benefits in respect of the same number of days during such first two weeks as the number of days on which he is unemployed during the two weeks which immediately follow the first two weeks;
 - (b) for any period during which he is entitled to unemployment benefits in terms of the *proviso* to section 28 (13) (c);
 - (c) if in the opinion of the claims officer he is unemployed by reason of an illness arising from his own misconduct;
 - (d) if the contributor, in the opinion of the claims officer has unreasonably refused or neglected to undergo medical treatment or to carry out the instructions of a medical practitioner, for as long as such refusal or neglect continues;
 - (e) unless he has been employed as a contributor, or was otherwise in employment, for at least eighteen weeks, whether for a continuous period or not, during the fifty-two weeks immediately preceding the date upon which a period of unemployment is deemed to have commenced.
- (6) For the purposes of this section a contributor other than a contributor referred to in subsection 1 (b), shall be deemed to have become unemployed on the date upon which his contract of service or apprenticeship or learnership was terminated by reason of the illness in respect of which application is made for illness benefits : Provided that an applicant, who became unemployed prior to contracting the illness in respect of which the application is made, shall be deemed to have become unemployed on the date on which he is certified by a medical practitioner to have become incapable of performing work by reason of the said illness.
- (7) A contributor, including a contributor referred to in subsection (1) (b), shall not be deemed to have become unemployed more than fifty-two weeks immediately preceding the date upon which application is made in terms of subsection (3).
- (8) Notwithstanding the provisions of section 27 (5), but subject to the provisions of subsection (6) (e) of this section, the board may at its discretion, on application in the prescribed form and manner, authorize the payment of further benefits to any contributor or any class of contributor at either full rate or such reduced rate and for such period as it may deem fit.
- 30. (1) Subject to the provisions of section 26 and of this section and of any applicable regulation made under section 49, a female contributor who is unemployed may be paid benefits in accordance with the provisions of this Act:—
 - (a) in respect of her pregnancy for a period not exceeding eighteen weeks commencing not earlier than eighteen weeks immediately preceding the expected date of her confinement or, where application for benefits is made on or after the date of the birth, eighteen weeks immediately preceding the date of the birth, as the case may be and;

*Conditions relating to
maternity benefits.*

(b) for a period not exceeding eight weeks after the birth of a live child, or four weeks after the birth of a still-born child;

whether or not she is capable of and available for work.

- (2) Application for maternity benefits under subsection (1), shall be made to the claims officer by a contributor in the prescribed form.
- (3) The claims officer shall investigate the applicant's claim to maternity benefits and, if satisfied that she is entitled thereto, admit the claim and authorize the payment of benefits as prescribed by section 27
- (4) A contributor shall not be entitled to benefits in terms of subsection (1) unless she was in employment as a contributor or was otherwise in employment, for at least eighteen weeks during the fifty two weeks immediately preceding the expected date of her confinement, or, where application for benefits is made on or after the date of the birth, the date of the birth, as the case may be : Provided that the board may, at its discretion, authorize the payment of such benefits to an applicant who was employed as a contributor or was otherwise in employment, for less than eighteen weeks during fifty-two weeks immediately preceding the expected date of her confinement or the date of the birth, as the case may be, if such applicant was employed on work connected with ionizing radiation at any time during a period of thirty-nine weeks immediately preceding such expected date of confinement or the date of the birth.
- (5) For the purposes of this section a female contributor shall be deemed to have become unemployed on the date upon which her contract of service or apprenticeship or learnership was terminated or, notwithstanding that her services have not been terminated, shall be deemed to be unemployed if, in respect of any period referred to in subsection (1), she is not in receipt of any earnings or receives from her employer less than one-third of her normal earnings : Provided that she shall not be deemed to have become unemployed more than twenty-six weeks immediately preceding the date upon which application is made in terms of subsection (2).

Payments to dependants of deceased contributors.

31. (1) Subject to the provisions of section 27 (4) and of this section and of any applicable regulation made under section 49, the claims officer may pay from the fund to the dependants of the contributors who died or dies on or after the fixed date (hereinafter referred to as the deceased contributor), an amount equal to the sum of the amounts which would, but for the provisions of section 27 (5), have been payable to the deceased contributor had such contributor been capable of and available for work, and unemployed for a period of twenty-six weeks from the date of his death.
- (2) Application for payment in terms of subsection (1) shall be made in the prescribed form.
- (3) No payment shall be made in terms of subsection (1):—
 - (a) unless application is made therefore within a period of three years from the date of death of the contributor concerned; and
 - (b) unless the deceased contributor was in employment as a contributor, or was otherwise in employment, for not less than eighteen weeks during the five years immediately preceding the date of his death.
- (4)
 - (a) If there is a dependant as defined in subsection (7) (a) (i) when any amount becomes payable in terms of subsection (1), the amount shall be paid to that dependant.
 - (b) If such a dependant does not apply for payment in terms of subsection (1) within three years from the date of death of the deceased contributor, the amount may, subject to the succeeding provisions of this section, be paid to any other person for the benefit of a dependant.
 - (c) If the board is satisfied that there is no dependant as defined in subsection (7) (a) (i), it may at its discretion authorize the payment of the amount, or any portion thereof, in instalments or otherwise, to any person or persons for the benefit of any dependant as defined in subsection (7) (a) (ii).
- (5) The provisions of sections 32 and 33 shall *mutatis mutandis* apply in respect of any amount paid or payable in terms of subsection (1).
- (6) An amount payable in terms of subsection (1) shall not form part of the estate of the deceased contributor.
- (7) For the purposes of this section:—

(a) "dependant" means:-

- (i) the widow or invalid widower of the deceased contributor including a widow or widower as defined in paragraph (b);
- (ii) any child (including an adopted child) of the deceased contributor who was under the age of seventeen years at the date of the death of the contributor and who was, in the opinion of the board, wholly or mainly dependant upon the contributor for the necessities of life; or
- (iii) any other person who was, in the opinion of the board wholly or mainly dependant upon the deceased contributor for the necessities of life;

(b) "widow" or "widower", in case of a deceased contributor who was associated in a customary union, means a surviving female spouse of such union or, as the case may be, the surviving male spouse of such union who is an invalid.

- Benefits paid in error.* 32. (1) If any person has received benefits to which he is not entitled under the provisions of this Act, he shall be liable to repay to the fund the amount of the benefits so received : Provided that if the Director-General deems it inequitable in any particular case to demand repayment of the whole amount, he may at his discretion demand repayment of any lesser amount, or absolve such person from the repayment of the whole amount.
- (2) Whenever the Director-General is, in respect of any amount of any benefit so received or any other amount due to the fund, including moneys obtained fraudulently from the fund, of the opinion that it cannot, or should not under the circumstances of the case be recovered, he may direct that such amount be written off.

Benefits may not be assigned, charged, attached or set off.

33. (1) Benefits shall not:-

- (a) be capable of being assigned or charged;
- (b) be attached by the order of any court; or
- (c) be set off against any debt due by the person entitled to such benefits.

(2) For the purposes of subsection (1), "debt" does not include any debt which becomes owing by virtue of the provisions of section 32.

CHAPTER 7

ALTERATION OF RATES OF BENEFITS AND CONTRIBUTIONS

Alteration of rates of benefits and contributions in certain circumstances.

34. (1) If the Director-General at any time, after consultation with the board and the actuary, deems the assets of the fund, after having taken the liabilities of the fund into consideration, to be greater than is required to meet any application for benefits which may reasonably be expected during a period of severe unemployment, he shall report to the Minister accordingly, and thereupon the President may by proclamation in the *Gazette*, with effect from a date specified in the proclamation, prescribe an increase in the rate of benefits prescribed by section 27 or by a previous proclamation issued under this section.
- (2) If the Director-General at any time, after consultation with the board and the actuary, is of the opinion that the assets of the fund are insufficient or are not increasing to the extent deemed sufficient to meet applications for benefits which may reasonably be expected during a period of severe unemployment, he shall report to the Minister accordingly, and thereupon the President may by proclamation in the *Gazette*, with effect from a date specified in the proclamation prescribe an increase in the rates of contributions prescribed by section 22 (1) or in a previous proclamation issued under this section, or a reduction in the rate of benefits prescribed by a proclamation issued under this section : Provided that no such proclamation shall prescribe a reduction in the rate of benefits below the rate prescribed by section 27.

CHAPTER 8

PROVISIONS TO COMBAT UNEMPLOYMENT

Schemes to combat unemployment.

35. (1) If the Minister is of the opinion that unemployment exists or is likely to arise in any business or area among contributors who cannot readily be placed in other suitable employment, he may, on the recommendation of the board, provide for a scheme to keep such contributors in employment or to place those who are or who become unemployed in employment.

- (2) The Minister may in any such scheme:—
 - (a) provide for any matter for which he considers it necessary or expedient to provide, including the grant of financial or other assistance to any employer or contributor or any class of employers or contributors to whom the scheme relates;
 - (b) differentiate between different classes of employers and different classes of contributors on any basis which he deems necessary in order to achieve the objects of the scheme.
- (3) The Minister may, after consultation with the Treasury, authorize the payment from the fund of the whole or any portion of any amount which may become payable in connection with the application of the scheme, including any expenditure incurred in the administration thereof.
- (4) The Minister may at any time:—
 - (a) after consultation with the Treasury, withdraw or alter any authority granted in terms of subsection (3);
 - (b) on the recommendation of the board, withdraw or amend any scheme.

Suspension of certain provisions of Act.

36. (1) Whenever the Minister is of the opinion that in any area the extent of the unemployment in any business is such that a state of emergency exists, he may, after consultation with the board, by notice in the *Gazette* suspend, for such period and subject to such conditions, exceptions and exclusions as may be specified in the notice and either wholly or in part, the operation of the provisions of section 27 (4) or (5) or (28) (13) (a) or (i) in respect of any contributors or any class of contributors who are or have been employed in that business in that area.
- (2) The Minister may at any time by notice in the *Gazette* amend or repeal any notice issued in terms of subsection (1).

Special weekly allowances.

37. (1) Whenever a contributor after having become unemployed accepts employment at less than half the average weekly rate of earnings received by him during the period of three months immediately prior to the date upon which he became employed, he shall during the period he remains so employed, be entitled to receive out of the fund a special weekly allowance equal to the difference between his new weekly remuneration, including commission, and half the said average rate of earnings : Provided that the said allowance shall:—
 - (a) not exceed the amount of the benefits which would have been payable to the contributor if he had remained unemployed;
 - (b) be paid for not more than thirteen weeks in any period of fifty-two consecutive weeks;
 - (c) not be paid if the claims officer is satisfied that the contributor has replaced another employee who was in receipt of a rate of earnings higher than the rate of earnings offered to the contributor concerned, and who was discharged by the employer without sufficient reason;
 - (d) cease to be payable if the contributor concerned refused to accept available work of a similar class, and remunerated at the same rate of earnings as or at a higher rate of earnings than, the work wherein he was employed immediately prior to acceptance by him of the employment in respect of which the allowance became payable, other than work which has become available in consequence of a stoppage of work such as is referred to in section 28 (13) (d); and
 - (e) be reduced *pro rata* in proportion to any lawful deductions made from the weekly earnings of the contributor concerned in respect of any failure by him to fulfil the terms of his contract of service.
- (2) The special allowance referred to in subsection (1) shall be paid only with effect from the week during which the contributor concerned notifies the claims officer in the prescribed form of the acceptance by him of the employment concerned, the rate of earnings payable in respect of such employment and the name and address of the employer concerned.
- (3) The claims officer shall forward a copy of any notification received by him in terms of subsection (2) to the employer concerned who shall thereafter transmit weekly to the claims officer a statement in the prescribed form, certified by him as true, showing the weekly earnings received by the contributor concerned and the deductions, if any, made from the earnings of the contributor on account of any failure to fulfil the terms of his contract of service.
- (4) A contributor shall for the period during which an allowance is payable to him in terms of subsection (1), be deemed for the purposes of this Act to be a contributor according to the rate of earnings at which he was employed immediately prior to acceptance by him of the employment in respect of which the allowance became payable.

- (5) A contributor shall not for the period during which such an allowance is paid to him be deemed for the purposes of this Act to be in receipt of benefits.

Payment of training expenses of a contributor.

38. (1) Whenever a contributor is undergoing training for employment under any scheme approved by the Director-General, the Director-General may, after consultation with the board, pay from the fund such expenses in connection with such training as he may deem expedient, and such payment may be made either to the contributor concerned or to the institution in which he is undergoing such training or to both the contributor and the institution.
- (2) Payments made under this section shall not in respect of any contributor exceed the total amount of the benefits which would, in the opinion of the Director-General, have been payable to that contributor if he had been unemployed during the period of such training.
- (3) In the calculation, for the purposes of subsection (2), of the total amount of the benefits which would, in the opinion of the Director-General, have been payable to a contributor if he had been unemployed during the period of his training, no regard shall be had to the provisions of section 27 (4) and (5).
- (4) Notwithstanding the provisions of subsections (2) and (3), whenever the Minister, after consultation with the board, is satisfied that there is a necessity for the establishment of a scheme to train for suitable employment contributors who have become unemployed, he may, in consultation with the Treasury, authorize the payment of the whole or a portion of the cost of establishment and maintaining such a scheme from the fund.

CHAPTER 9

ADMINISTRATION AND APPLICATION OF ACT

Method of calculating earnings.

39. (1) For the purpose of determining the earnings of a contributor
- (a) on an annual basis, his earnings shall, if paid weekly be multiplied by fifty-two, and if paid monthly, by twelve;
- (b) on a weekly basis, his earnings shall, if paid monthly be divided by four and one third;
- (c) on a monthly basis, his earnings shall, if paid weekly be multiplied by four and one third or such earnings shall be determined in the manner best calculated to give the true value of the earnings of the contributor on an annual, weekly or monthly basis, as the case may be.
- (2) Any dispute regarding any matter referred to in subsection (1) shall be determined by the Director-General.
- (3) The value of any food or quarters supplied by an employer shall, for the purposes of this section, be determined in accordance with a method prescribed by regulation.
- (4) In the calculations of the contributions under section 22 or of the benefits under section 27 or of any other amount under this Act, any fraction of a cent in the amount of such contributions or benefits or in such other amount shall be disregarded if the first decimal figure of such fraction is less than 0,5 and shall be taken as one if equal to or more than 0,5.

Powers, functions and duties of Director-General.

40. (1) The powers, functions and duties conferred or imposed upon the Director-General by or under this Act shall be exercised, performed and carried out by the Director-General subject to the directions and control of the Minister.
- (2) The Director-General may, subject to such conditions as he may prescribe and with the approval of the Minister, delegate any of his powers, functions or duties under this Act to any officer or employee in his department, and any powers exercised, functions performed or duties carried out by such employee shall, for the purposes of this Act, be deemed to have been exercised, performed or carried out by the Director-General.

Director-General may acquire and alienate property.

41. (1) The Director-General may purchase or otherwise acquire any movable property required wholly or partly for the purposes of this Act, and may with the prior approval of the Treasury sell or otherwise dispose of such property and write off losses and deficiencies.
- (2) Subject to the approval of the President in Executive Council, the Director-General may purchase or otherwise acquire immovable property required wholly or partly for the purposes of this Act and may alienate or let any property so acquired.

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- (3) All immovable property so acquired shall be held in the name of the State in trust for the fund.
42. (1) The Director-General shall each year after the thirty-first day of March and before the thirtieth day of June or as soon as practicable thereafter, submit a report to the Minister upon the transactions of the fund during the preceding financial year and shall include therein a special report on
- (a) the manner in which the board is performing its functions;
 - (b) the number of unemployed contributors to whom benefits have been paid and the total amount of such benefits;
 - (c) the number of deceased contributors whose dependants were paid an amount in terms of section 31 and the total of the amounts so paid,
- and shall submit therewith the statement and balance sheet referred to in section 11 (2).
- (2) The report referred to in subsection (1) together with the statement of income and expenditure and the balance sheet referred to in section 11 (2), shall be laid upon the Table of the National Assembly within thirty days after the receipt thereof by the Minister if the National Assembly is then in ordinary session or, if the National Assembly is not then in ordinary session, within fourteen days of the commencement of its next ensuing ordinary session.

Appointment of inspectors.

43. (1) The Minister may, subject otherwise to the laws governing the public service, appoint any person as an inspector under this Act.
- (2) There shall be issued to every inspector a certificate signed by the Director-General in which it is stated that the person mentioned in such certificate has been appointed as an inspector under this Act.

Powers of inspectors.

44. (1) (a) An inspector may at any time and without prior notice enter any business premises whatsoever and may while he is upon or in the premises or at any other time, question any person who is or has been upon or in the premises, in the presence of or apart from others, and may require from any such person the production then and there, or at a time and place fixed by the inspector, of all books and documents which are or have been upon or in the premises or in the possession or custody or under the control of any employer by whom the premises are occupied or used, or of any employee of that employer, or may at any time and at any place require from any person, who has the possession or custody or control of any book or document relating to the business of any person who is or was an employer, the production then and there, or at a time and place fixed by the inspector, of that book or document, and may examine and make extracts from and copies of all such books and documents, and may require an explanation of any entries in any such books or documents, and may seize any such books or documents as in his opinion may afford evidence of any offence under this Act.
- (b) An inspector may take with him into or on to any such premises any number of assistants and any member of the police force.
- (2) An employer in connection with whose business any premises are occupied or used, and every person employed by him, shall at all times furnish such facilities as are required by the inspector for entering the premises or for inspecting or examining the books and documents upon or in the premises or for making any enquiry in relation thereto.
- (3) An inspector may demand the production to him of any container which any money paid or to be paid to a contributor by way of remuneration was or is contained, and any statement furnished or to be furnished to a contributor by his employer concerning the payment, and may examine the contents of such container and retain such container and statement.
- (4) An inspector may require any employee, or any employer whom he has been unable to question at his place of business to appear before him at any time and place fixed by the inspector and may then and there question that employee or employer.
- (5) An inspector may require any employer to make all payments due to any contributor employed by him in the presence of an inspector.
- (6) An inspector exercising any power or carrying out any duty conferred or imposed upon him by this Act shall, on demand, produce the certificate issued to him in terms of section 43 (2).
- (7) For the purposes of this section any interpreter shall, while acting under the lawful directions of an inspector, be deemed to be an inspector and any question put through, reply made to, requirement made by or hindering of an interpreter while so acting, shall be deemed to be a question put by, reply made to, requirement made by or hindering of an inspector.

Exemption from tax.

45. The receipts and accruals of the fund, including the accruals from any investments, shall be exempt from income tax.

Recovery of loss and damage.

46. (1) If a person who is or was in the employ of a department of State has caused the fund any loss or damage, in that:—
- (a) he failed to collect fund moneys for the collection of which he is or was responsible,
 - (b) he is or was responsible for an irregular payment of fund moneys or for a payment of such moneys not supported by a proper voucher,
 - (c) he is or was responsible for the fruitless expenditure of fund moneys due to an omission to carry out his duties,
 - (d) he is or was responsible for a deficiency in, or for the destruction of, or any damage to, fund moneys, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other fund property; or
 - (e) he is or was responsible for a claim against the fund which arises out of any omission on his part to carry out his duties;

the Director-General shall determine the amount of such loss or damage and, subject to the provisions of subsection (5), order, by notice in writing, the said person to pay to him, within thirty days from the date of such notice, the amount so determined.

- (2) If a person who is in the employ of a department of State and who has in terms of subsection (1) been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the amount shall, subject to the provisions of subsections (4), (6) and (7), be deducted from his monthly salary: Provided that such deduction shall not in any month exceed one-fourth of his monthly salary.
- (3) If a person who was in the employ of a department of State and who has, in terms of subsection (1), been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the Director-General shall, subject to the provisions of subsections (4), (6) and (7), recover such amount from the person concerned by legal process.
- (4) If a person who has been ordered to pay an amount in terms of subsection (1) makes, within the period stipulated in the notice in question, and offer to pay such amount in instalments, the Director-General may allow payment in such instalments as he may consider reasonable.
- (5) If for any reason whatsoever, the Director-General is of the opinion that the amount of any loss or damage referred to in subsection (1) should not be recovered or should be recovered in part only from the person responsible therefor, he may absolve that person from payment of the whole or a portion of such amount.
- (6) A person who has in terms of subsection (1) been ordered to pay an amount, may within a period of thirty days from the date of such order, appeal in writing against such order to the Minister, stating the grounds of his appeal, and the Minister may, after such investigation as he may deem necessary, dismiss the appeal, or order that the appellant be absolved either wholly or partly, according to what he may consider to be fair and reasonable, from the payment of such amount.
- (7) A person who has in terms of subsection (1) been ordered to pay an amount may, instead of appealing to the Minister under subsection (6), apply to a court of competent jurisdiction within a period of thirty days from the date of such order, or within such further period as such court may allow, for an order setting aside such first-mentioned order or reducing such amount, and the court may upon such an application, if it is not satisfied on the merits of the case that the order was rightly made or that the amount in dispute is correct, make an order setting aside such first-mentioned order or reducing that amount, as the case may be.
- (8) If an amount is reduced in terms of subsection (5), (6) or (7), the reduced amount shall *mutatis mutandis* be recovered in accordance with the provisions of subsections (1), (2), (3) and (4).

Evidence.

47. (1) Any record of a decision made by the Director-General or the board and any copy of or extract from an entry in any book or record kept by the Director-General or the board, and of any document filed with the Director-General or the board, purporting to be certified by the Director-General or by the chairman of the board, as the case may be, to be a true copy or extract, shall upon its mere production be received in any court of law as *prima facie* evidence of the matters so certified without proof of the signature of the Director-General or the said chairman, as the case may be.

- (2) In any proceedings under this Act, an affidavit purporting to be made by the Director-General in which it is stated:-
- (a) that any person or body of persons is an employer or a contributor under this Act, or
 - (b) that any person is or was lawfully required under this Act to pay any amount to the Director-General, or
 - (c) that any amount referred to in paragraph (b) or any portion thereof had or had not been paid on a date specified in the affidavit,
- shall on its mere production in those proceedings by any person, but subject to the provisions of subsection (3), be *prima facie* proof of the facts stated herein.
- (3) The person presiding at the proceedings in which any affidavit referred to in subsection (2) is adduced in evidence, may himself and shall at the request of any party to the proceedings cause the person who made the affidavit to be subpoenaed to give oral evidence, or cause written interrogatories to be submitted to him for reply and such interrogatories and any reply on oath purporting to be a reply from such person shall in like manner be admissible as evidence in such proceedings.
- (4) Any person who has notified the Director-General in any statement referred to in section 23 (1) that he has a contributor or contributors in his employment and has not subsequently informed the Director-General that he has ceased to employ contributors, shall be presumed, unless the contrary is proved, to be an employer.
- (5) In any proceedings under this Act, any statement or entry contained in any book or document kept by any employer or found upon or in any premises occupied by, or upon any vehicle used in the business of that employer, and any copy or reproduction (whether obtained by microfilming or any other process) of any such statement or entry, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by that employer.

Offences and penalties.

48. (1) Any person:-
- (a) who in an application for benefits under this Act or in an application for the payment of an amount in terms of section 31 or in any notice or statement required to be given or furnished under this Act, knowingly makes or causes to be made a statement which is false in any material particular, or
 - (b) who wilfully makes any false entry on a contributor's record card, or
 - (c) who refuses or fails to produce to his employer his record card in terms of section 26 (4), or
 - (d) who falsely holds himself out to be an inspector, or
 - (e) who makes any statement to an inspector which is false in any material particular knowing the same to be false, or
 - (f) who refuses or fails to answer to the best of his knowledge and ability any question which an inspector in the performance of his functions under this Act has put to him, or
 - (g) who refuses or fails to comply to the best of his knowledge and ability with any requirement or demand made by an inspector in the performance of his functions under this Act, or
 - (h) who hinders an inspector in the performance of his functions, or
 - (i) who contravenes or refuses or fails to comply with any provision of any regulation, or
 - (j) who being an employer:-
 - (i) fails to comply with any provision of section 22 (3) or contravenes any provision of section 22 (5), or
 - (ii) fails to comply with any provision of section 23, or
 - (iii) fails to comply with any provision of section 21, 25 or 26, or
 - (iv) fails to pay on the due date any contributions or other payment under this Act,
- shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.
- (2) Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by, or to make any order provided for, in this Act.

CHAPTER 10 REGULATIONS

Regulations.

49. (1) The Minister may make regulations as to:-

- (a) the information and particulars required to be furnished by an employer in terms of section 21 (1), 23 (1), or in relation to any application under section 28, 29 and 30;
- (b) the form of an application for benefits under sections 28, 29 and 30 and the payment of an amount under section 31;
- (c) the medical examination of an applicant for benefits under sections 29 or 30;
- (d) the fees payable to a medical practitioner from the fund in respect of an examination referred to in paragraph (c);
- (e) the documentary evidence to be furnished by an applicant for payment of an amount in terms of section 31;
- (f) the method of determining, for the purposes of section 39, the value of food or quarters supplied by an employer;
- (g) the records to be kept by employers in terms of section 25, including the form in which and the times at which the information referred to in subsection (2) of that section shall be furnished to the Director-General;
- (h) the form and manner in which any statement required to be furnished by an employer under this Act shall be submitted;
- (i) the form of any other document, record or book required for the carrying out of the provisions of this Act;
- (j) the issue, production or disposal of record cards of contributors and the replacement of lost cards;
- (k) the method of payment of benefits;
- (l) the procedure to be followed in an appeal under section 20 and the powers of the board in respect of such appeal;
- (m) the remuneration or allowances payable to members of the board who are not officers; and
- (n) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Regulations made under subsection (1) shall, within one month after the publication thereof, be laid upon the Table of the National Assembly by the Minister, if the National Assembly is then in ordinary session, or if the National Assembly is not then in ordinary session, within one month after the commencement of its next ensuing ordinary session.

(3) If a resolution is passed by the National Assembly disapproving of any such regulation, that regulation shall lapse as from a date to be specified in the resolution, and no regulation having a similar import shall thereafter be made under subsection (1), except with due regard to the terms of such resolution or of any subsequent resolution rescinding or modifying such resolution.

CHAPTER 11 GENERAL

Repeal of laws and savings.

50. (1) Subject to the provisions of subsections (2) and (3), the laws mentioned in the Schedule are hereby repealed.

(2) Nothing in subsection (1) contained shall be construed:-

- (a) as affecting the application in or in relation to Ciskei any provision of any repealed law, including any provisions of any such law enacted by the Parliament of the Republic of South Africa on or after 4th December 1981, in so far as such application may be necessary for the preservation of any rights under any such repealed law of any person employed or resident in Ciskei on or after the said date or of the fund; or
- (b) as affecting the validity of any agreement entered into between the Government of Ciskei and the Government of the Republic of South Africa under any such provision as aforesaid and in terms of which persons from Ciskei who enter the Republic of South Africa are regarded as contributors to the unemployment insurance fund of such last-mentioned state.

(3) Until the Minister makes regulations under section 49 of this Act, the regulations in force in Ciskei under any repealed law shall continue to apply in so far as they can be applied and are not inconsistent with the provisions of this Act : Provided that for the purposes of such application, any reference in the said regulations:—

- (a) to the "fund" or to the "Minister" shall be construed respectively as a reference to the fund or the Minister as defined in section 1 of this Act; and
- (b) to any board, body or person exercising any power or authority shall be construed as a reference to the board, body or person exercising corresponding powers in Ciskei for the purposes of this Act.

Short title and commencement.

51. This Act shall be called the Unemployment Insurance Act, 1983, and shall come into operation on 1 May 1983.

**SCHEDULE
LAWS REPEALED**

No. and year of law	Short title
Act 30 of 1966	Unemployment Insurance Act, 1966
Act 27 of 1967	Unemployment Insurance Amendment Act, 1967
Act 87 of 1968	Unemployment Insurance Amendment Act, 1968
Act 61 of 1971	Unemployment Insurance Amendment Act, 1971
Act 12 of 1974	Unemployment Insurance Amendment Act, 1974
Act 51 of 1975	Unemployment Insurance Amendment Act, 1975
Act 108 of 1976	Second Unemployment Insurance Amendment Act, 1976
Act 29 of 1977	Unemployment Insurance Act, 1977
Act 118 of 1977	Second Unemployment Insurance Amendment Act, 1977
Act 6 of 1978	Unemployment Insurance Act, 1978
Act 9 of 1979	Unemployment Insurance Act, 1979
Act 97 of 1979	Second Unemployment Insurance Act, 1979
Act 1 of 1981	Unemployment Insurance Amendment Act, 1981

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